FEDERAL REGISTER

VOLUME 7 NUMBER 204

Washington, Friday, October 16, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 12—PRISONERS

CLEMENCY FOR PRISONERS CONFINED AT POSTS

Section 12.1 (c) is hereby amended to read as follows:

§ 12.1 *Clemency.* * * *

(c) *Prisoners confined at posts.* The case of each general prisoner serving sentence of confinement of 6 months or more at a military post will be considered for clemency, by the commanding officer holding general courtmartial jurisdiction over the prisoner, at some time within the first 6 months of the period of confinement and annually thereafter. Report will be made to The Adjutant General after each such consideration in which clemency has been extended. Negative reports are not required. In cases where no report is required, the date 6 months from the date the sentence was adjudged will establish the date for the annual consideration of the case.

(38 Stat. 1074; 10 U.S.C. 1457a) [Par. 16c, AR 600-375, February 8, 1930, as amended by C 3 August 28, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10340; Filed, October 14, 1942; 2:12 p. m.]

Chapter VI—Organized Reserves

PART 61—OFFICERS RESERVE CORPS

AIR CORPS RESERVE; APPOINTMENT AND PROMOTION

Section 61.23 is hereby changed to read as follows:

§ 61.23 *Air Corps Reserve; special limitations relative to appointment and promotion.* (a) Except for aviation cadets enlisted or appointed under section 3 of the Army Aviation Cadet Act of June 3, 1941, appointments to the Officers' Reserve Corps, Air Corps, for the duration of the war and 6 months thereafter, may be made only from persons who have completed the prescribed course of training and instruction as aviation cadets or aviation students and have served in time of war as commissioned officers or flight officers in the Army of the United States, and from current Reserve Officers' Training Corps graduates who, upon graduation, are recommended for appointment as Reserve officers. Selection for appointment will be made by the Commanding General, Army Air Forces, or by such officer or officers as he may designate. Transfers from other sections of the Officers' Reserve Corps to the Officers' Reserve Corps, Air Corps, will be made pursuant to AR 605-145.[1] All other appointments of officers assigned to duty with the Army Air Forces during the present war and for 6 months thereafter are made in the Army of the United States. (See act September 22, 1941 (55 Stat. 728) and act July 8, 1942 (Bull. No. 34, W.D., 1942))

(b) *Length of appointment.* Appointments in the Officers' Reserve Corps, Air Corps, in every case are for a period of 5 years, or until 6 months after the termination of the war, whichever is longer. Appointees must agree to serve at least 3 years on active duty, if the war ends prior to the expiration of such period, unless sooner relieved by competent authority. Time served during the emergency as an officer of the Army of the United States will be credited in figuring this 3-year period of active duty.

(c) Promotions of Air Corps Reserve officers will be made for the period of the war in accordance with War Department and Army Air Forces policies and the laws governing these policies.

(41 Stat. 778; 55 Stat. 728; 10 U.S.C. 354, 10 U.S.C. Sup. 484)

[Par. 2, AR 140-23, July 30, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10341; Filed October 14, 1942; 2:12 p. m.]

[1] Administrative regulations of the War Department relative to transfers, details, and assignments of commissioned officers.

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FEDERAL REGISTER

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[Public Proclamation No. 8]

Chapter X—Areas Restricted for National Defense Purposes

PART 103—WAR RELOCATION PROJECTS

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California.

JUNE 27, 1942.

To: The people within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona, and the Public Generally:

Whereas by Public Proclamation No. 1,[1] dated March 2, 1942, this headquarters, there were designated and established Military Areas Nos. 1 and 2, and by Public Proclamation No. 2,[2] dated March 16, 1942, this headquarters, there were designated and established Military Areas Nos. 3, 4, 5 and 6, and

Whereas the present situation within these military areas requires as a matter of military necessity that persons of Japanese ancestry who have been evacuated from certain regions within Military Areas Nos. 1 and 2 shall be removed to Relocation Centers for their relocation, maintenance and supervision and that such Relocation Centers be designated as War Relocation Project Areas and that appropriate restrictions with respect to the rights of all such persons of Japanese ancestry, both alien and non-alien, so evacuated to such Relocation Centers and of all other persons to enter, remain in, or leave such areas be promulgated;

Now, Therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

§ 103.2 *War Relocation Project Areas: Washington, Oregon, California, Montana, Idaho, Nevada, Utah, and Arizona.* (a) Pursuant to the determination of military necessity hereinbefore set out, all the territory included within the exterior boundaries of each Relocation Center now or hereafter established within the Western Defense Command, as such boundaries are designated and defined by orders subsequently issued by this headquarters, are hereby designated and established as War Relocation Project Areas.

(b) All persons of Japanese ancestry, both alien and nonalien, who now or shall hereafter be or reside, pursuant to exclusion orders and instructions from this headquarters, or otherwise, within the bounds of any established War Relocation Project Area are required to remain within the bounds of such War Relocation Project Area at all times unless specifically authorized to leave as set forth in paragraph (c) hereof.

(c) Any person of Japanese ancestry, both alien and nonalien, who shall now or hereafter so be or reside within any such War Relocation Project Area shall, before leaving said Area, obtain a written authorization executed by or pursuant to the express authority of this headquarters setting forth the effective period of said authorization and the terms and conditions upon and purposes for which it has been granted.

(d) No persons other than the persons of Japanese ancestry described in paragraph (b) hereof, and other than persons employed by the War Relocation Authority established by Executive Order No. 9102,[3] dated March 18, 1942, shall enter any such War Relocation Project Area except upon written authorization executed by or pursuant to the express authority of this headquarters first obtained, which said authorization shall set forth the effective period thereof and the terms and conditions upon and purposes for which it has been granted.

(e) Failure of persons subject to the provisions of this Public Proclamation No. 8 to conform to the terms and provisions thereof shall subject such persons to the penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a

[1] 7 F.R. 2320.
[2] 7 F.R. 2405.
[3] 7 F.R. 2165.

Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones."

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:
J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-10375; Filed, October 15, 1942; 11:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4174]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ZENITH RADIO CORPORATION

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's radio receiving sets, (1) representing that any of respondent's sets will bring in broadcasts from any foreign radio station "every day", or otherwise representing, directly or by implication, that such receiving sets are capable of providing reasonably audible and distinct reception of foreign broadcasts at all times or under all conditions; and (2) representing, directly or by implication, that any radio receiving set contains a designated number of tubes or is of a designated tube capacity, when one or more of the tubes referred to are tubes or other devices which do not perform the recognized and customary functions of radio receiving set tubes in the detection, amplification, and reception of radio signals; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Zenith Radio Corporation, Docket 4174, October 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and testimony and other evidence in support of and in opposition to the allegations of the complaint taken before trial examiners of the Commission theretofore duly designated by it (the report of the trial examiners and briefs and oral argument having been waived), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Zenith Radio Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's radio receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that any of respondent's radio receiving sets will bring in broadcasts from any foreign radio station "every day," or otherwise representing, directly or by implication, that such receiving sets are capable of providing reasonably audible and distinct reception of foreign broadcasts at all times or under all conditions.

2. Representing, directly or by implication, that any radio receiving set contains a designated number of tubes or is of a designated tube capacity, when one or more of the tubes referred to are tubes or other devices which do not perform the recognized and customary functions of radio receiving set tubes in the detection, amplification, and reception of radio signals.

It is further ordered, That the respondent shall, within sixty (60 days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-10374; Filed, October 15, 1942; 11:18 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

[Amendment to Rules and Regulations, Series 2, as Amended]

PART 203—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

PETITION FOR INVESTIGATION AND CERTIFICATION

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations, Series 2, as amended (General Rules and Regulations) which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations, Series 2, as amended, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Section 203.1, National Labor Relations Board Rules and Regulations, Series 2, as amended, is hereby amended to read as follows:

§ 203.1 *Who may file; where to file; withdrawal of petition; form; jurat; blank forms provided.* A petition to investigate and certify under section 9 (c) of the Act the name or names of representatives designated or selected for the purpose of collective bargaining may be filed by an employee or any person or labor organization acting on behalf of employees, or by an employer. Prior to the issuance of a notice of hearing pursuant to § 303.3 a petition may be withdrawn only with the consent of the Board or of the Regional Director with whom such petition was filed. Thereafter a petition may be withdrawn only with the consent of the Board. Whenever the Board or the Regional Director approves the withdrawal of any petition the case shall be closed. Except as provided in § 303.11, such petition shall be filed with the Regional Director for the region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more regions, with the Regional Director for any of such regions. Such petition shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of the petition shall be filed.[2]

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156).

Section 203.3, National Labor Relations Board Rules and Regulation, Series 2, as amended, is hereby amended to read as follows:

§ 203.3 *Same; investigation by Regional Director; definition of parties; notice of hearing; service of notice.* After a petition has been filed, if it appears to the Regional Director that an investigation should be instituted he shall institute such investigation by issuing a notice of hearing, provided that the Regional Director shall not institute an investigation on a petition filed by an employer unless it appears to the Regional Director that two or more labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the bargaining unit or units claimed to be appropriate. The Regional Director shall prepare and cause to be served upon the petitioners and upon the employer or employers involved (all of whom are hereinafter referred to as "the parties"), and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation, a notice of hearing upon the question of representation before a trial examiner at a time and place fixed therein, provided that when the petition is filed by an employer the Regional Director shall serve the notice of hearing on the employer petitioner and on the labor organizations named in the petition all of whom are hereinafter referred to as "the parties"), and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation. A copy of the petition shall be served with such notice of hearing.

(Sec. 6 (a), 49 Stat., 452; 29 U.S.C. 156)

Sections 203.4 to 203.10, National Labor Relations Board Rules and Regula-

[2] Blank forms for filing such petitions will be supplied by the Regional Director upon request.

tions, Series 2, as amended, are hereby amended in the following manner:

1. By the insertion of a new section to be known hereafter as § 203.4 to read as follows:

§ 203.4 *Appeals to Board by petitioner from action of Regional Director.* If, after a petition has been filed, the Regional Director declines to institute an investigation, the employee, person, labor organization or employer filing the petition may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director. This request shall contain a complete statement setting forth the facts and reasons upon which the request is based.

(Sec. 6 (a), 49 Stat., 452; 29 U.S.C. 156)

2. By changing the number of the present § 203.4 to § 203.5; by deleting the words "and request for the withdrawal of petitions" in the second sentence thereof; and by inserting the words "and references to the complaint shall for the purposes of §§ 203.1 to 203.11, inclusive, mean the petition" at the end of the first sentence thereof. As amended, the newly numbered § 203.5 shall read as follows:

§ 203.5 *Same; motions; interventions; witnesses; subpenas.* All matters relating to motions, intervention, witnesses and subpenas shall be governed by the provisions of §§ 202.14 to 202.22, inclusive, of these rules and regulations insofar as applicable, except that the references to "the Regional Director issuing the complaint" shall for the purposes of §§ 203.1 to 203.11, inclusive, mean the Regional Director issuing the notice of hearing, and references to the "complaint" shall for the purposes of §§ 203.1 to 203.11, inclusive, mean the petition. Motions to dismiss petitions if made prior to the hearing, shall be filed with the Regional Director, and if made during the hearing, with the Trial Examiner, and shall be referred to the Board for appropriate action.

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156).

3. By changing the number of the present § 203.5 to § 203.6.

4. By changing the number of the present § 203.6 to § 203.7.

5. By changing the number of the present § 203.7 to § 203.8.

6. By changing the number of the present § 203.8 to § 203.9.

7. By changing the number of the present § 203.9 to § 203.10, and by changing therein all references to section numbers in order to correspond and be consistent with the above amendments. As amended, § 203.10 shall read as follows:

§ 203.10 *Election procedure; election report; objections; Report on objections; hearing on objections; contents of record; action of Board on objections and hearing.* Where the Board determines that a secret ballot should be taken, it shall direct such ballot to be conducted by a designated agent upon such terms as it may specify. Upon the conclusion of such ballot the agent conducting the ballot shall prepare an Election Report containing a tally of the ballots, his rulings, if any, upon challenged ballots, and his findings and recommendations, which he shall cause to be served upon the parties. Within five days thereafter the parties may file with the agent conducting the ballot an original and three copies of Objections to the conduct of the ballot or the Election Report. Copies thereof shall be served upon each of the other parties.

If no objections are filed, the agent conducting the ballot shall forward to the Board in Washington, D. C., his Election Report, which, together with the record previously made, shall constitute the record in the case.

If Objections are duly filed, the agent conducting the ballot shall investigate the matters contained in the Objections and shall prepare and serve upon the parties his Report on Objections based upon such investigation which, together with the Election Report and Objections, he shall forward to the Board in Washington, D. C.

If it appears to the Board that any such Objections raise substantial and material issues with respect to the conduct of the ballot, the Board shall direct the agent conducting the ballot to issue and cause to be served upon the parties a notice of hearing on said Objections before a Trial Examiner designated by the Board or the Chief Trial Examiner. The hearing shall be conducted in accordance with the provisions of §§ 203.5, 203.6, and 203.7, insofar as applicable. Upon the close of the hearing, the agent conducting the ballot shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the Election Report, the Objections, the Report on Objections, and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed pursuant to § 203.9.

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156).

8. By changing the number of the present § 203.10 to § 203.11, a new number, and by deleting, in the last sentence of the present § 203.10 the following words "the Board had originally directed that the investigation be conducted in the region to which the transfer was made", and substituting therefor the words "the petition had originally been filed in the region to which the transfer is made." As amended, § 203.11 shall read as follows:

§ 203.11 *Proceedings before Board; filing petition with Board; investigation upon motion of Board; transfer of petition and proceeding from Region to Board or to another Region; consolidation of proceedings in same region; severance; procedure before Board in cases over which it has assumed jurisdiction.* Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may:

(a) Permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under section 9 (c) of the Act, or direct a Regional Director, or other agent or agency to conduct such an investigation; or

(b) Upon its own motion conduct, or direct any member, Regional Director, or other agent or agency to conduct an investigation under section 9 (c) of the Act; or

(c) At any time after a petition has been filed with a Regional Director pursuant to § 203.1, order that such petition and any proceeding which may have been instituted in respect thereto:

(1) Be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) Be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(3) Be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in such other Region, or for any other purpose,

(4) Be severed from any other proceeding with which it may have been consolidated.

The provisions of §§ 203.1 to 203.11, inclusive, shall insofar as applicable, apply to proceedings conducted pursuant to paragraphs (a), (b), and (c) (1) of this section, and the powers granted to the Regional Director in such provisions shall for the purpose of this section be reserved to and exercised by the Board, or by the Regional Director, or other agent or agency, directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one region to another pursuant to paragraph (c) (3) of this section, the provisions of §§ 203.1 to 203.11, inclusive, shall apply to such proceedings as if the petition had originally been filed in the region to which the transfer is made.

(Sec. 6 (a), 49 Stat. 452; 29 U.S.C., 156).

Signed at Washington, D. C., this 14th day of October 1942.

H. A. MILLIS,
Chairman.
WM. M. LEISERSON,
Member.
GERARD D. REILLY,
Member.

[F. R. Doc. 42-10345; Filed, October 14, 1942; 3:12 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-97]

Interstate Electric Company, New Orleans, Louisiana, is a wholesale distributor of automotive parts and electrical supplies. During the period from June 5, 1942 to July 10, 1942, the company made deliveries of 3,805 feet of copper wire and tubing in filling an unrated order and rated orders which did not carry

a preference rating of A-1-k or higher. Further, subsequent to May 7, 1942, the company made deliveries of large quantities of copper tubing to fill orders which did not bear any preference rating.

These deliveries constituted violations of General Preference Order M-9-a [1] and have impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered,* That:

§ 1010.97 *Suspension Order S-97.* (a) Deliveries of material to Interstate Electric Company, its successors and assigns shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries to Interstate Electric Company by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocations shall be made to Interstate Electric Company, its successors and assigns of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or of the Director General for Operations except as specifically authorized by the Director General for Operations.

(c) Interstate Electric Company, its successors and assigns, shall not accept deliveries of, receive, process or fabricate any copper, copper base alloy, and copper products except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Interstate Electric Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Director of Industry Operations or of the Director General for Operations except insofar as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on October 17, 1942, and shall expire on January 17, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10359; Filed, October 14, 1942; 4:38 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-110]

CONNECTICUT REFINING CO.

The Connecticut Refining Company, West Haven, Connecticut, is a corporation engaged in the distribution of gasoline and oil to service stations and bulk consumers. During the month of June 1942, the Company made deliveries of motor fuel to 38 service stations in excess of the amounts permitted to be so delivered in accordance with Limitation Order L-70.[1] Of the 38 service stations to whom overdeliveries of motor fuel were made, 27 service stations received overdeliveries in excess of 1,000 gallons.

At all times while deliveries of motor fuel were being made, the company was fully aware of the provisions contained in Limitation Order L-70 governing the amounts of motor fuel which may be delivered to each service station, and, therefore, the deliveries of motor fuel in excess of the amounts permitted under the provisions of Limitation Order L-70 constituted a wilful violation of that order.

These violations of Limitation Order L-70 have impeded and hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered* That:

§ 1010.110 *Suspension Order S-110.* (a) The Connecticut Refining Company, its successors and assigns, shall not deliver or cause to be delivered, directly or indirectly, in any calendar month, to any of the 27 service stations listed below, any motor fuel as the same is defined in Limitation Order L-70, in excess of 25 per cent of the normal gallonage of such service station for such month, computed in accordance with the provisions of Limitation Order L-70, without the benefit of any adjustments under paragraph (e) of that order:

Joseph Aleria, doing business as Joe's Service Station, 169 Morgan Street, Hartford, Connecticut; Irving Berkowitz, 119 Hartford Avenue, New Britain, Connecticut; Benovenuto Bighinatti, doing business as Venice Filling Station, Newfield Street, Middletown, Connecticut; Frank J. D'Amico, 211 Boston Post Road, Milford, Connecticut; Connecticut Refining Co., Edward Shiner, Treasurer (De-Mute station), 299 Franklin Street, Norwich, Connecticut; Joseph Cantor, 351 Connecticut Avenue, Bridgeport, Connecticut; Herman Zamost, doing business as Economy Service Station, Park Road and Fairlawn Street, West Hartford, Connecticut; George French and Harry French, doing business as French Bros., 626 East Main Street, Meriden, Connecticut; Joseph Hirsch, 1147 Campbell Avenue, West Haven, Connecticut; Metro Kociaba, doing business as K & M Service Station, 369 Seymour Avenue, Derby, Connecticut; N. J. Larrivee, doing business as Nap Larrivee, 234 Forbes Avenue, New Haven, Connecticut; Sidney Levinson, doing business as Viaduct Super Service, 74 State Street, New Haven, Connecticut; Conney Pilecki, doing business as Maple End Garage, 180 North Street, Bristol, Connecticut; Jack Marcell, College St. & Crown Street, New Haven Connecticut; Ralph C. Miller, doing business as Manor Garage, 356 Savin Avenue, West Haven, Connecticut; Constantino Racine, doing business as Universal Gas Station, 922 Bank Street, New London, Connecticut; William A. Richards, doing business as the R & W Tire Company, 215-217 North Main Street, Bristol, Connecticut; William A. Richards, doing business as Richards Service Station, 22 Main Street, Terryville, Connecticut; Harold Ritchie, 60 Goffe Street, New Haven, Connecticut; Henry L. Spieler, doing business as Spieler's Filling Station, Queen Street, Southington, Connecticut; Robert A. Lalane, doing business as Shady Grove Service Station, Bristol Road, Farmington, Connecticut; John Simpson, Main Street and Gerrish Avenue, East Haven, Connecticut; Louis Present et al., doing business as State Street Auto Supply, 1519 State Street, Bridgeport, Connecticut; Salvatore Bandott, doing business as Sully's Service Station, 428 New Britain Street, Kinsington, Connecticut; Theodore Teesman, doing business as Teesman Service Station, 335 East Main Street, New Britain, Connecticut; R. E. and Thomas Tomlinson, doing business as Tomlinson Bros., 801 Whalley Avenue, New Haven, Connecticut; Bessie A. Weinstein, doing business as Part Battery Service, 421 Part Street, Hartford, Connecticut.

(b) Nothing contained in this order shall be deemed to relieve The Connecticut Refining Company from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall remain in effect during the calendar months of October, November and December, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10360; Filed, October 14, 1942; 4:38 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 16]

APPEALS

§ 944.37 *Priorities Regulation 16*—(a) *Certain appeals to be filed with field offices.* Every appeal from any order listed in Appendix A to this regulation shall be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates, notwithstanding any existing provision of any regulation, order or form.

(b) *Appeals forms.* Every appeal from any order listed in Appendix A to this regulation shall be filed on Form PD-500 or such other form as may be specifically designated in Appendix A, notwithstanding any existing provision of any regulation, order or form.

(c) *Other appeals.* An appeal from any rule, regulation or order not listed in Appendix A to this regulation shall be filed with the Washington Office of the War Production Board unless the rule, regulation or order appealed from provides otherwise.

(d) *Appeal by letter.* An appeal for which no specific form is prescribed by any rule, regulation or order shall be made by filing with the appropriate office of the War Production Board a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

[1] 7 F.R. 5980.

[1] 7 F.R. 6552, 6419.

This regulation shall take effect October 22, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

APPENDIX A

Orders

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L-77	L-161
L-78	M-11-b
L-80	M-126

[F. R. Doc. 42-10381; Filed, October 15, 1942; 11:21 a. m.]

PART 1222—EXPORTS UNDER LICENSES ISSUED BY THE BOARD OF ECONOMIC WARFARE

[Supplement 2 to Order M-148]

General Exports Order M-148, as amended July 29, 1942,[1] required the completion of certain purchase orders for critical material in preference to all other purchase orders. Said Order M-148, as amended September 28, 1942,[2] provides instead that such purchase orders shall bear preference ratings to be assigned by the Board of Economic Warfare on export licenses issued after September 30, 1942. In order to provide for the completion of deliveries on purchase orders covered by export licenses issued prior to October 1, 1942, the following action is taken:

§ 1222.3 *Supplement 2 to M-148.* (a) A preference rating of AA-2X is hereby assigned to every purchase order heretofore or hereafter placed which both:

(1) Relates to any "critical material" as listed in Exhibit A to General Exports Order M-148, as amended July 29, 1942, and

(2) Calls for delivery to the holder of an expert license covering such material issued prior to October 1, 1942, on which license a delivery date is specified.

Any producer or distributor, as defined in said order, with whom any such purchase order is placed shall make delivery thereon in accordance with such rating pursuant to the provisions of all applicable priorities regulations, unless such order would be in excess of any export quota relating to such material previously established for such producer or distributor by the Director General for Operations. The sequence of deliveries shall be determined as if such rating of AA-2X had been applied or extended to such order on the date when such purchase order was originally placed with such producer or distributor. The effect of any orders of the Director General for Operations restricting transactions in or use of any such material shall be determined by Priorities Regulation No. 15. Such preference rating shall be extendable pursuant to the provisions of Priorities Regulation No. 3, as amended.

(b) Any producer scheduling for production, and any distributor proposing to make delivery on, a purchase order to which a rating is assigned by this supplement shall, promptly after the effective date of this supplement, send to the War Production Board, Washington, D. C., Ref.: M-148, a copy of the purchase order bearing thereon a statement of the expected delivery date and the United States Department of Commerce Export Classification Code Schedule B and F number.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of October 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-10382; Filed, October 15, 1942; 11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1382—HARDWOOD LUMBER

[Amendment 9 to Maximum Price Regulation 146[1]]

APPALACHIAN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1382.12 (d), items 13 and 14 are added to subparagraph (2), item 6 is added to subparagraph (6), item 7 is added to subparagraph (8), item 89 is added to subparagraph (10), items 16 through 19 are added to subparagraph (16) and items 29 through 31 are added to subparagraph (27) as set forth below:

§ 1382.12 *Appendix B: Maximum prices for Appalachian hardwood lumber in "recurring special" grades or items.*

* * *

(d) * * *

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[1] 7 F.R. 5864.

[2] 7 F.R. 7730.

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3776, 4179, 4852, 5520, 6053, 6998, 7600, 7747, 8198.

(2) CHERRY RIVER BOOM & LUMBER COMPANY

Grade or item No.	Grade designation	Species	Thickness (inches)	Widths (inches)	Lengths (feet)	Price
*	*	*	*	*	*	*
13	FAS—Comb Grain	Red Oak	1			$90.00
14	No. 1—Common and Selects—Comb Grain.	Red Oak	1			65.00

(6) MORRISON, GROSS & COMPANY

*	*	*	*	*	*	*
6	Sound Blocking	Mixed Hardwoods.	2	6 and 8		$20.00

(8) PARDEE & OURTIN LUMBER COMPANY

*	*	*	*	*	*	*
7	No. 1 Common and Better Sound Wormy.	Beech	1¼			$37.00
7	No. 1 Common and Better Sound Wormy.	Beech	1½			37.00

(10) THE MEADOW RIVER LUMBER COMPANY

*	*	*	*	*	*	*
89	FAS	Red Oak	1¼	10 and wider		$105.00

(16) BRINGARDNER LUMBER COMPANY

*	*	*	*	*	*	*
16	FAS Comb Grain	White Oak	1			$125.00
16	FAS Comb Grain	White Oak	1¼			135.00
16	FAS Comb Grain	White Oak	1½			145.00
16	FAS Comb Grain	White Oak	2			160.00
17	No. 1 Common and Selects Comb Grain	White Oak	1			75.00
17	No. 1 Common and Selects Comb Grain	White Oak	1¼			82.00
17	No. 1 Common and Selects Comb Grain	White Oak	1½			90.00
17	No. 1 Common and Selects Comb Grain	White Oak	2			100.00
18	FAS Comb Grain	Red Oak	1½			105.00
18	FAS Comb Grain	Red Oak	2			115.00
19	No. 1 Common and Selects Comb Grain	Red Oak	1			55.00
19	No. 1 Common and Selects Comb Grain	Red Oak	1¼			60.00
19	No. 1 Common and Selects Comb Grain	Red Oak	1½			65.00
19	No. 1 Common and Selects Comb Grain	Red Oak	2			70.00

(27) VESTAL LUMBER & MANUFACTURING COMPANY

*	*	*	*	*	*	*
29	No. 1 Common—Bung	Poplar	1			$43.00
30	No. 2A Common—Bung	Poplar	1			42.00
31	No. 2B Common—Bung	Poplar	1			33.00

§ 1382.10a *Effective dates of amendments.* * * *

(i) Amendment No. 9 (§ 1382.12 (d) (2), (6), (8), (10), (16), (27)) to Maximum Price Regulation No. 146 shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10337; Filed, October 14, 1942; 12:34 p. m.]

PART 1389—APPAREL

[Amendment 2 to Maximum Price Regulation 172[1]]

CHARGES OF CONTRACTORS IN APPAREL INDUSTRY

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1389.59 in paragraph (a), subparagraph (2) is amended and in § 1389.61 a new paragraph (b) is added, as set forth below:

§ 1389.59 *Definitions.* (a) * * *.

(2) "Same percentage margin over direct labor cost" is determined by subtracting the actual cost of direct labor in March from the highest price charged in March for a purchaser of the same class by the contractor for his services, and then dividing the resultant figure by the cost of direct labor in March. If the seller made no charge in March to a purchaser of the same class, then the same percentage margin over direct labor costs obtained from a purchaser of a different class shall be adjusted to reflect the seller's customary differential between the two classes of purchasers.

* * * * *

§1389.61 *Effective dates of amendments.* * * *.

(b) Amendment No. 2 (§§ 1389.59 (a) (2), 1389.61 (b)) shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10333; Filed, October 14, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 41 to Supplementary Regulation 14[1] to General Maximum Price Regulation[2]]

FIREWOOD

Subparagraph (8) of § 1499.73 (a) is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(8) *Firewood.* The maximum prices for the sale or delivery of firewood (e. g. cordwood, sawdust, mill ends and shavings and slabwood) may be modified as indicated below:

(i) Wherever any State office of the Office of Price Administration determines, either upon application or its own motion, that the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in any locality or localities within its jurisdiction, it may by order adjust such maximum prices to the minimum extent necessary to insure a sufficient supply of firewood therein. Such adjustments shall be made in relation (*a*) to the increased production costs which sellers of firewood in the locality or localities affected must incur in order to produce such firewood, compared with the costs of production in March 1942 (or the nearest earlier month in which firewood was generally produced in such locality or localities), and/or (*b*) the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the locality or localities affected and

[1] 7 F.R. 4882, 6684.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5488, 5709, 5911, 6003, 6271, 6389, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7229, 7365, 7401, 7453, 7460, 7510, 7536, 7604, 7533, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8024, 8199, 8237.

[2] 3153, 3330, 3668, 3930, 3931, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6053, 6031, 6216, 6815, 6794, 6939, 7033, 7322, 7454, 7758, 7913.

(c) such other circumstances as may be pertinent to the procurement of sufficient supplies of firewood to meet the requirements of the locality or localities affected.

(ii) (*a*) Every order issued pursuant to the provisions of subdivision (i) above shall be accompanied by a statement of the reasons for the action taken therein.

(*b*) Whenever a State office issues such an order, it shall promptly take steps to insure that the order is duly publicized in the locality or localities affected, and shall transmit a copy thereof, together with the accompanying statement, to the appropriate Regional Office of the Office of Price Administration and to the National Office of the Office of Price Administration in Washington, D. C.

(b) *Effective dates of amendments.*

* * *

(42) Amendment No. 41 (§ 1499.73 (a) (8)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective October 20, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10336; Filed, October 14, 1942; 12:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 74 Under § 1499.18 (c) of General Maximum Price Regulation]

THE PAPYRUS CO.

For the reasons set forth in an opinion* issued simultaneously herewith, *It is ordered:*

§ 1499.924 *Denial of application for adjustment of maximum price of crepe paper manufactured by The Papyrus Company, of Kenilworth, New Jersey.* (a) The application of The Papyrus Company of Kenilworth, New Jersey, filed August 8, 1942, and assigned Docket No. N-18 (c)-13, requesting permission to increase the maximum price at the retail level of crepe paper manufactured by the applicant is denied.

(b) This Order No. 74 (§ 1499.924) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10332; Filed, October 14, 1942; 12:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 75 Under § 1499.18 (c) of the General Maximum Price Regulation]

ERVING PAPER MILLS

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.925 *Denial of application for adjustment of maximum price of paper napkins manufactured by Erving Paper Mills of Erving, Massachusetts.* (a) The application of Erving Paper Mills of Erving, Massachusetts, filed August 10, 1942, and assigned Docket No. N-18 (c)-16, requesting permission to increase the maximum price at the retail level of paper napkins manufactured by the applicant is denied.

(b) This Order No. 75 (§ 1499.925) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10333; Filed, October 14, 1942; 12:26 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 76 Under § 1499.18 (c) of General Maximum Price Regulation]

WESTERN TIMBER COMPANY

For the reasons set forth in an opinion issued simultaneously herewith,* *It is ordered:*

§ 1499.926 *Adjustment of maximum prices for sales of mine materials by the Western Timber Company.* (a) The Western Timber Company, 2229 15th Street, Denver, Colorado, may sell and deliver, and any person may buy and receive from the Western Timber Company, mine materials at prices not higher than its prices established by the General Maximum Price Regulation plus the additions set forth below:

	Per linear foot
Round timbers 6" and 7" in diameter, any length	$0. 01
Round timbers 8" and 9" in diameter, any length	.015
	Each
Mining ties	.05
Cull ties, all sizes	.10

This order does not apply to ties sold to railroads.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 76 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 76 (§ 1499.926) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modification of maximum prices established by § 1499.2.

(e) This Order No. 76 (§ 1499.926) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10334; Filed, October 14, 1942; 12:29 p. m.]

PART 1499—COMMODITIES & SERVICES

[Order 77 Under § 1499.18 (c) of General Maximum Price Regulation]

CALIFORNIA PACKING CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith,* *It is ordered:*

§ 1499.927 *Denial of application for adjustment of maximum prices for charcoal sold by the California Packing Corporation.* (a) The application of the California Packing Corporation of San Francisco, California dated June 2, 1942, requesting permission to increase its maximum prices for sales of charcoal, is denied.

(b) This order No. 77 (§ 1499.927) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10335; Filed, October 14, 1942; 12:34 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 93 Under § 1499.3 (b) of General Maximum Price Regulation]

AMERICAN FINISH AND CHEMICAL CO.

For the reasons set forth in an opinion issued simultaneously herewith,* *It is ordered:*

§ 1499.957 *Approval of maximum price for sale of Adhesive No. 101 E, a butyl methacrylate polymer cement, manufactured by American Finish and Chemical Company.* (a) The maximum price at which American Finish and Chemical Company, Chelsea, Massachusetts, may sell its product Adhesive No. 101 E, described in the application for approval of maximum price under § 1499.3 (b) of the General Maximum Price Regulation heretofore filed by that company with the Office of Price Administration, and at which any person may buy such product from that company, is as follows:

38¢ per pound, f. o. b. producing plant, container included.

(b) On or before July 1, 1943, the American Finish and Chemical Company shall submit to the Office of Price Administration in Washington, D. C. a report containing complete cost data with respect to the production and sale of the above product during the six month period from October 27, 1942, to April 26, 1943, such data to include the following:

(1) Cost of raw materials, with breakdown of materials used.
(2) Direct labor costs, based on March 1942 rates.
(3) Factory overhead.
(4) Container costs.
(5) Sales costs.
(6) Administrative expense.
(7) Research and development.
(8) Other (itemize).

(c) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March 1942

*Copies may be obtained from the Office of Price Administration.

on the sale by this company of its Latex cement product No. 730, shall apply to the maximum price set forth in paragraph (a).

(d) This Order No. 93 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 93 (§ 1499.957) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10339; Filed, October 14, 1942; 12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 94 Under § 1499.3 (b) of General Maximum Price Regulation]

MAXIMUM PRICES FOR SPECIAL ASBESTOS TEXTILES

For the reasons set forth in an opinion* issued simultaneously herewith *It is ordered:*

§ 1499.958 *Authorization of maximum prices for special asbestos textiles.* (a) On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer of asbestos textiles shall sell and deliver special asbestos textiles, and no person shall buy or receive special asbestos textiles in the course of trade or business, at prices higher than will be determined by the use of the pricing formula or formulas used by said manufacturer in March, 1942, to determine the prices at that time of such items. The values given to the factors used in said formulas shall be no higher than the highest values given to the same factors in the determination of March, 1942, prices under said formulas, and the method used in computing said factors shall be the method used in March, 1942.

(b) On or before October 31, 1942, every manufacturer of asbestos textiles shall file with the Office of Price Administration, Washington, D. C.:

(1) A detailed explanation of the formula or formulas by which it priced its special asbestos textile products during March, 1942;

(2) Calculations setting forth in detail the use of such formulas in determining prices charged for different types of special asbestos textile products actually delivered by it during March, 1942, or, if no such deliveries were made during that month, the application of such formulas to the prices that would have been charged had the first deliveries of such products made subsequently to March, 1942, actually been delivered during March, 1942, as the result of sales made during that month; and

(3) The gross sales value realized from, and the percentage of total sales of asbestos textile products represented by, sales of special asbestos textile products during the second calendar quarter of 1942.

(c) For the purposes of this order asbestos textiles may be classified as special asbestos textiles whenever:

(1) They are made to the specifications of each individual order,

(2) Said specifications differ materially with each order, and

(3) For the reasons set forth in (1) and (2) said "specials" are unable to be included in the manufacturer's price lists.

(d) This Order No. 94 may be revoked or amended at any time by the Price Administrator.

(e) This Order No. 94 (§ 1499.958) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10329; Filed, October 14, 1942; 12:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 95 Under § 1499.3 (b) of General Maximum Price Regulation]

BEMIS BROS. BAG CO.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is hereby ordered:*

§ 1499.959 *Maximum prices for the sale of cotton smelter tubes by Bemis Bros. Bag. Co.* (a) Bemis Bros Bag Co., Kansas City, Mo., may sell and deliver smelter tubes of the following description at a price no higher than that set forth below:

Length	Material	Maximum price per M
10 yards	36" 3.60 yard sheeting	$3,010

(b) The price set forth in paragraph (a) of this section shall apply f. o. b. seller's point of shipment and shall be subject to the seller's customary terms of sale.

(c) This Order No. 95 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 95 (§ 1499.959) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10330; Filed, October 14, 1942; 12:29 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 96 Under § 1499.3 (b) of General Maximum Price Regulation]

MAXIMUM PRICES FOR SPECIAL BONDED ABRASIVES

For the reasons set forth in an opinion* issued simultaneously herewith it is ordered:

§ 1499.960 *Authorization of maximum prices for special bonded abrasives.* (a) On and after May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer of bonded abrasives shall sell and deliver special bonded abrasives, and no person shall buy or receive special bonded abrasives in the course of trade or business, at prices higher than will be determined by the use of the pricing formula or formulas used by said manufacturer in March, 1942, to determine the prices at that time of such items. The values given to the factors used in said formulas shall be no higher than the highest values given to the same factors in the determination of March, 1942, prices under said formulas, and the method used in computing said factors shall be the method used in March 1942.

(b) On or before October 31, 1942, every manufacturer of bonded abrasives shall file with the Office of Price Administration, Washington, D. C.:

(1) A detailed explanation of the formula or formulas by which it priced its special bonded abrasive products during March, 1942;

(2) Calculations setting forth in detail the use of such formulas in determining prices charged for different types of special bonded abrasive products actually delivered by it during March, 1942, or, if no such deliveries were made during that month, the application of such formulas to the prices that would have been charged had the first deliveries of such products made subsequently to March, 1942, actually been delivered during March, 1942, as the result of sales made during that month; and

(3) The gross sales value realized from, and the percentage of total sales of bonded abrasive products represented by, sales of special bonded abrasive products during the second calendar quarter of 1942.

(c) For the purposes of this order bonded abrasives may be classified as special bonded abrasives whenever:

(1) They are made to the specifications of each individual order,

(2) Said specifications differ materially with each order, and

(3) For the reasons set forth in (1) and (2) said "specials" are unable to be included in the manufacturer's price lists.

(d) This Order No. 96 may be revoked or amended at any time by the Price Administrator.

(e) This Order No. 96 (§ 1499.960) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10331; Filed, October 14, 1942; 12:25 p. m.]

PART 1340—FUEL

[Correction of Amendment 10 to Maximum Price Regulation 137[1]]

PETROLEUM PRODUCTS SOLD AT RETAIL

For the reasons set forth in a statement of considerations issued simultaneously

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3165, 3749, 4273, 4789, 4853, 5363.

herewith and filed with the Division of the Federal Register,* paragraph (e) of § 1340.91 of Amendment No. 10 to Revised Price Schedule No. 88 is corrected to read as set forth below:

(e) When the maximum price for any grade of motor fuel at a retail establishment as determined by paragraphs (a), (b), (c) and (d) permits the seller a margin for a particular grade of motor fuel below that enjoyed by the seller at that particular retail establishment during the major portion of the period October 1–15, 1941, such seller's maximum price shall be increased to a level which will permit him a margin equal to that enjoyed during the major portion of the above period. In no event, however, shall the seller exceed the price received by him for such grade of motor fuel during the major portion of the period October 1–15, 1941, plus the total of any increases authorized or permitted by the Price Administrator and currently in effect. The maximum price of a seller for a particular grade of motor fuel at the particular retail establishment shall be automatically adjustable as the seller's margin changes. For the purposes of this provision, the margin is deemed to change not at the time the delivered cost changes, but only after the seller has sold an amount equal to that volume on hand at the time the change in the delivered cost occurs.

* * * * *

§ 1340.93a *Effective dates of amendments.* * * *

(k) This correction shall be effective as of October 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10361; Filed, October 14, 1942; 4:26 p. m.]

PART 1340—FUEL

[Amendment 24 to Maximum Price Regulation 120 [1]]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

MAXIMUM PRICES FOR BITUMINOUS COAL—DISTRICT 8

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the division of the Federal Register.*

Section 1340.219 (b) (2) is hereby amended, as set forth below:

§ 1340.219 *Appendix H: Maximum prices for bituminous coal produced in District No. 8.* * * *

(b) * * *

(2) *Maximum prices in cents per net ton for shipment via Great Lakes to all destinations for all uses (exclusive of railroad fuel, vessel and bunker fuel and by-product).* * * *

Price classifications	Prices and size group numbers	
	1	*
* * *	*	*
K	275	*
* * *	*	*
M	265	*
* * *	*	*

§ 1340.211a *Effective dates of amendments.* * * *

(y) Amendment No. 24 (§ 1340.219 (b) (2)) to Maximum Price Regulation No. 120 shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–10354; Filed, October 14, 1942; 4:23 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 242]

DRIED PRUNES AND RAISINS

In the judgment of the Price Administrator, the maximum prices established for the producers, dehydrators or dry-yard operators for dried prunes and raisins by this regulation are, and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation and for other purposes", and the Executive Order No. 9250, dated October 3, 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The maximum prices established herein are not below prices wihch will reflect to the producers of dried prunes and raisins prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended by the Act of October 2, 1942, and Executive Order No. 9250, dated October 3, 1942.

Therefore, with the concurrence of the Secretary of Agriculture, and under the authority vested in the Price Administrator by the aforesaid Acts and Executive Order and in accordance with Procedural Regulation No. 1,[1] Maximum Price Regulation No. 242 is hereby issued.

AUTHORITY: §§ 1341.501 to 1341.512, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1341.501 *Prohibition against dealing in natural condition unpacked dried prunes and raisins above maximum prices.* (a) On and after October 14, 1942, regardless of any contract or other obligation, no producer, dehydrator or dry-yard operator shall sell or deliver any natural condition unpacked dried prunes or raisins at a price higher than the maximum price established by this Maximum Price Regulation No. 242.

(b) No person in the course of trade or business shall buy or receive any natural condition unpacked dried prunes or raisins from a producer, dehydrator or dry-yard operator at a price higher than the maximum price established by this Maximum Price Regulation No. 242; and

(c) No producer, dehydrator, dry-yard operator or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.502 *Maximum prices for dried prunes and raisins sold by producers, dehydrators or dry-yard operators.* (a) The maximum price per ton for producers, dehydrators or dry-yard operators for natural condition unpacked dried prunes shall be as set forth in § 1341.512, Appendix A, of this Maximum Price Regulation No. 242.

(b) The maximum price per ton for producers, dehydrators, or dry-yard operators for natural condition unpacked raisins shall be as follows:

Item	*Maximum price per ton*
Natural Thompson seedless raisins	$110.00
Natural Sultana raisins	105.00
Natural Muscat raisins	110.00
Golden bleached Thompson seedless raisins	132.00

(c) To determine his maximum price each producer, dehydrator or dry-yard operator shall first ascertain the rail shipping point nearest to his ranch or place of business, the delivery point named in this section which is nearest to his ranch or place of business and the location of the purchaser's plant. The maximum price of the producer, dehydrator or dry-yard operator shall include delivery to the purchaser at whichever one of those three points is nearest to the ranch or place of business of the producer, dehydrator or dry-yard operator. No higher price may be charged or received and no additional charge or allowance may be made by the producer, dehydrator or dry-yard operator if he delivers to the purchaser at any other point. No purchaser or packer shall furnish transportation from any other point.

(d) The delivery points shall be as follows:

(1) For prunes:

California: Healdsburg, Calistoga, Suisun, Los Molinos, Marysville, Gilroy, Visalia, Ukiah, Santa Rosa, Vacaville, Chico, Winters, San Jose, Morgan Hill, Benning, Cloverdale, Sacramento, Napa, Colusa, Yuba City, Santa Clara, Hollister, Oakland;

Oregon: Riddle, Creswell, Dallas, McMinnville, Springbrook, Dundee, Roseburg, Eugene, Salem, Portland, Forest Grove, Umpqua, Albany, Amity, Lebanon, Yam Hill;

Washington: Vancouver.

(2) For raisins:

California: Biola, Parlier, Hanford, Livingston, Del Rey, Selma, Fresno, Kingsburg, Dinuba, Reedly, Modesto.

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* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896.

[1] 7 F.R. 971, 3663, 6967.

§ 1341.503 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 242 may be charged, demanded, paid or offered.

§ 1341.504 *Evasion.* The maximum prices set forth in this Maximum Price Regulation No. 242 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to natural condition unpacked dried prunes or raisins, alone or in conjunction with any other commodity or by way of any commission, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

§ 1341.505 *Records.* Every producer, dehydrator, or dry-yard operator shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 shall remain in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged for natural condition unpacked dried prunes or raisins sold on and after October 14, 1942.

§ 1341.506 *Enforcement.* Persons violating any provisions of this Maximum Price Regulation No. 242 are subject to the criminal penalties, civil enforcement actions and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

§ 1341.507 *Applicability.* The provisions of this Maximum Price Regulation No. 242 shall be applicable only in the United States and the District of Columbia.

§ 1341.508 *Sales for export.* The maximum price at which a person may export natural condition unpacked dried prunes or raisins shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

§ 1341.509 *Applicability of the General Maximum Price Regulation.* This Maximum Price Regulation No. 242 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries of natural condition unpacked dried prunes and raisins for which maximum prices are established by this regulation.

§ 1341.510 *Definitions.* (a) When used in this Maximum Price Regulation No. 242, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Producer" means one who grows prunes or raisin grapes and dries or dehydrates them or has them dried or dehydrated by another person.

(3) "Dehydrator" or "dry-yard operator" means a person who dries or dehydrates prunes or raisin grapes for other persons or who purchases prunes or raisin grapes and dries or dehydrates them.

(4) "Natural condition unpacked", as applied to dried prunes, means dried prunes in sacks or lug boxes or in bulk as usually delivered by producers to packers for packing; and as applied to raisins, means raisins unstemmed in sweat boxes or picking boxes as usually delivered by producers to packers for packing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1341.511 *Effective date.* This Maximum Price Regulation No. 242 (§§ 1341.501 to 1341.512, inclusive) shall become effective October 14, 1942.

§ 1341.512 *Appendix A: Maximum prices for dried prunes sold by producers, dehydrators or dry-yard operators.*

Number of dried prunes per pound	California		Northwest, dollars per ton
	3 District, dollars per ton	Outside, dollars per ton	
15	199	195	199
16	189	184	179
17	188	183	178
18	187	182	177
19	186	181	176
20	185	180	175
21	184	179	174
22	183	178	173
23	182	177	172
24	181	176	171
25	180	175	170
26	179	174	169
27	178	173	168
28	177	172	167
29	176	171	166
30	175	170	165
31	174	169	164
32	173	168	163
33	172	167	162
34	171	166	161
35	170	165	160
36	169	164	159
37	168	163	158
38	167	162	157
39	166	161	156
40	165	160	155
41	164	159	154
42	163	158	153
43	162	157	152
44	161	156	151
45	160	155	150
46	159	154	149
47	158	153	148
48	157	152	147
49	156	151	146
50	155	150	145
51	154	149	144
52	153	148	143
53	152	147	142
54	151	146	141
55	150	145	140
56	149	144	139
57	148	143	138
58	147	142	137
59	146	141	136
60	145	140	135
61	144	139	134
62	143	138	133
63	142	137	132
64	141	136	131
65	140	135	130
66	139	134	129
67	138	133	128
68	137	132	127
69	136	131	126
70	135	130	125
71	134	129	124
72	133	128	123
73	132	127	122
74	131	126	121
75	130	125	120
76	129	124	119
77	128	123	118
78	127	122	117
79	126	121	116
80	125	120	115
81	124	119	114
82	123	118	113
83	122	117	112
84	121	116	111
85	120	115	110
86	119	114	109
87	118	113	108
88	117	112	107
89	116	111	106
90	115	110	105
91	114	109	104
92	113	108	103
93	112	107	102
94	111	106	101
95	110	105	100
96	109	104	99
97	108	103	98
98	107	102	97
99	106	101	96
100	105	100	95
101	104	99	94
102	103	98	93
103	102	97	92
104	101	96	91
105	100	95	90
106	99	94	89
107	98	93	88
108	97	92	87
109	96	91	86
110	95	90	85
111	94	89	84
112	93	88	83
113	92	87	82
114	91	86	81
115	90	85	80
116	89	84	79
117	88	83	78
118	87	82	77
119	86	81	76
120	85	80	75
121	84	79	74
122	83	78	73
123	82	77	72
124	81	76	71
125	80	75	70
126	79	74	69
127	78	73	68
128	77	72	67
129	76	71	66
130	75	70	65
131	74	69	64
132	73	68	63
133	72	67	62
134	71	66	61

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10355; Filed, October 14, 1942; 4:23 p. m.]

PART 1347—PAPER AND PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Correction to Amendment 3 to Revised Price Schedule 47]

OLD RAGS[1]

The second sentence of Amendment No. 3 to Revised Price Schedule No. 47—Old Rags is corrected to read as follows: Section 1347.104 (a) is hereby revoked.

(Pub. Laws 421 and 729, 77th Cong., and E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10356; Filed, October 14, 1942; 4:25 p. m.]

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[2] 7 F.R. 5059, 7242.

[1] 7 F.R. 1237, 1836, 2000, 2132, 2475, 3775, 7248.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 6 to Designation and Rent Declaration 25]

DESIGNATION OF 260 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The title and items (189) and (212) listed in the table in § 1388.1201 of Designation and Rent Declaration No. 25 are amended and item (261) is added to the table in the said section to read as follows:

§ 1388.1201 *Designation.* * * * *

Name of defense-rental area [1]	In State or States of	Defense-rental area consists of
*	*	*
(189) Washington County	Rhode Island	County of Washington.
*	*	*
(212) Fort Worth	Texas	County of Tarrant.
*	*	*
(261) Dallas	Texas	County of Dallas.

[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area," "Gadsden Defense-Rental Area."

This Amendment No. 6 (§ 1388.1201) shall become effective October 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10357; Filed, October 14, 1942; 4:22 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 1 to Ration Order 8 [1]]

GASOLINE RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

Rationale accompanying the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.4201 (d) is amended and a new § 1394.4402 is added to read as set forth below:

§ 1394.4201 *Restriction on transfer to consumers.* * * *

(d) Nothwithstanding any other provision of Ration Order No. 8, the Director may, whenever, in his opinion, the supply of gasoline on the Virgin Islands becomes or threatens to become so limited that essential functions such as, but not limited to, protection of health, property, and maintenance of other necessary services for the well-being of population may be impaired, take the following emergency action:

(1) *Emergency order.* He may issue an emergency order limiting or prohibiting all transfers of gasoline to consumers in the Virgin Islands. Such order may provide that gasoline may be transferred only to persons presenting an Emergency Gasoline Authorization to be signed by the Director. Such order shall require all dealers and distributors to file with the Director a sworn statement of a quantity of gasoline on hand at the effective time of the order.

(2) Such emergency gasoline authorization shall specify the date on which it is issued, the name of the person to whom issued, and the quantity of gasoline for which it shall be valid. It shall also state the purpose for which it is issued and that the gasoline to be obtained thereby shall be used for no other purpose.

(3) All emergency gasoline authorizations shall be numbered serially, copies thereof shall be maintained at all times in the Office of the Director and shall be used in lieu of the coupons provided for in Ration Order No. 8.

(4) During the period in which such emergency order shall be in effect, such emergency gasoline authorizations shall be issued only for the exclusive use of such essential services and for such quantities as shall, in the exercise of good judgment, maintain such services, giving due consideration to the relative importance of each of such services, the available quantity of gasoline and the anticipated period of the emergency.

(5) As soon as shall be practicable after the termination of the emergency, the Director shall issue an appropriate order which shall contain provisions with respect to the resumption with the use of coupons.

§ 1394.4402 *Effective date of amendments.* (a) Amendment No. 1 to Ration Order No. 8 (§§ 1394.4201 (d) and 1394.4402) shall become effective as of September 11, 1942.

Issued this 14th day of October 1942.

(Pub. Laws 671, 76th Cong., 89, 421, 507, 729, 77th Cong.; WPB Dir. 1, Supp. Dir. 1J; 7 F.R. 562, 5043.)

JACOB ROBLES,
Director for the Territory of the Virgin Islands.

[F. R. Doc. 42-10350; Filed, October 14, 1942; 4:25 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Gasoline Rationing Emergency Order 1]

VIRGIN ISLANDS

It is hereby declared that in the judgment of the Director the supply of gasoline on the Virgin Islands threatens to become so limited that essential functions such as, but not limited to the protection of health, property and the maintenance of other necessary services for the wellbeing of the population may be impaired.

Pursuant to the authority vested in me by Ration Order No. 8: *It is ordered:*

§ 1394.6501 *Gasoline rationing during the emergency.* (a) All transfers of gasoline to consumers are hereby prohibited.

(b) During the period of the emergency, gasoline may be transferred only to persons presenting an emergency gasoline authorization.

(c) Emergency gasoline authorizations will be issued only for the purpose of maintaining essential functions and may be obtained upon application to the Director of the Office of Price Administration.

(d) All dealers and distributors of gasoline shall file before October 8, 1942, with the Director, a sworn statement of the quantity of gasoline on hand at the effective time of this order.

(e) All dealers and distributors are hereby authorized to accept emergency gasoline authorizations in lieu of coupons for the amounts delivered thereunder.

(f) This gasoline rationing emergency Order No. 1 (§ 1394.6501) shall become effective September 11, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Laws 421 and 507, 77th Cong., W.P.B. Dir. 1, Supp. Dir. 1–J; 7 F.R. 562, 5043)

Issued this 14th day of October 1942.

JACOB ROBLES,
Director for the Territory of the Virgin Islands.

[F.R. Doc. 42-10358; Filed, October 14, 1942; 4:25 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[Amendment 1 to Maximum Price Regulation 162 [1]]

SALE AND RENTAL OF USED TYPEWRITERS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Sections 1398.75, 1398.80, 1398.81, 1398.82, paragraph (a) of § 1398.83 and the items appearing under the heading, "electromatics" of paragraph (b) of § 1398.83 and sub-paragraph (1) of § 1398.83 (b) are hereby amended and § 1398.85 is added to read as set forth below:

§ 1398.75 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 162 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, rental, delivery, purchase or receipt of or relating to used typewriters, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6871, 7100.

[1] 7 F.R. 4484.

agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited, in connection with the sale or rental of a typewriter:

(1) Decreasing cash or quantity discounts or trade-in or exchange allowances below those available during the period October 1 to 15, 1941.

(2) Increasing charges, in effect during the period October 1 to 15, 1941, for deferred payment, or for any other form of instalment, time payment or credit account.

(3) Diminishing the effective period of guarantee or warranty, or the quantity or quality of maintenance or other service, customarily rendered during the period October 1 to 15, 1941, without corresponding reduction in price.

(4) Misrepresenting the state of repair of a used typewriter.

(5) Requiring purchasers to pay a larger proportion of transportation costs incurred in the delivery of used typewriters than the seller required purchasers of the same class to pay during the period October 1 to 15, 1941.

(6) Refusing to permit persons renting typewriters to arrange for delivery from and to the supplier's place of business.

* * * * *

§ 1398.80 *Licensing.* (a) *License required.* A license is hereby required of every person subject to this Maximum Price Regulation No. 162 now or hereafter selling or renting any used typewriters for which maximum prices are established by this Maximum Price Regulation No. 162.

(b) *License granted.* Every person subject to this Maximum Price Regulation No. 162 now or hereafter selling or renting any used typewriters for which maximum prices are established by Maximum Price Regulation No. 162, as now or hereafter amended or supplemented, is hereby granted a license as a condition of selling or renting such used typewriters. The provisions of Maximum Price Regulation No. 162, as now or hereafter amended or supplemented, shall be deemed to be incorporated in the license hereby granted and any violation of any provision so incorporated shall be a violation of the provisions of said license. The license granted by this Amendment No. 1 to Maximum Price Regulation No. 162 shall be effective on October 19, 1942, or when any person becomes subject to the provisions of this Amendment No. 1 and, unless suspended as provided in the Emergency Price Control Act of 1942 shall continue in force so long as and to the extent that such regulation or any applicable part, amendment or supplement remains in effect.

(c) *Registration of licensees.* Every person hereby licensed may be required to register with the Office of Price Administration at such time and in such manner as the Administrator may hereafter by regulation prescribe.

§ 1398.81 *Applicability of the General Maximum Price Regulation.*[2] The provisions of this Maximum Price Regulation No. 162 supersede the provisions of the General Maximum Price Regulation with respect to the sale or rental of used typewriters for which maximum prices are established by this regulation.

§ 1398.82 *Definitions.* (a) When used in this Maximum Price Regulation No. 162, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Typewriter" means any portable, office, commercial, noiseless or standard type of manually or electrically operated writing machine designed to be used for writing or copying letters or other documents, and does not include Braille typewriters, Linotype machines, Monotype machines, shorthand writing machines, telegraphically controlled typewriters, toy typewriters, or typewriters with inbuilt continuous forms handling features, or with inbuilt front feed, forms collating or automatic duplicating features;

(3) "Used typewriter" means any typewriter which has been in the physical possession of a user and which has been subjected to use, or any typewriter which has been consistently used for purposes of demonstration; the term includes shopworn, reconditioned and rebuilt typewriters;

(4) "Shopworn typewriter" means a typewriter which has been in the physical possession of a user for a period less than six months, and which has been subjected to use, or any typewriter which has been consistently used for purposes of demonstration for a period less than six months;

(5) "Rebuilt typewriter" means a used typewriter which has been dismantled and inspected since its last use and which meets the following specifications: all internal and external parts clean and free from rust, corrosion and flaws; main and carriage frame never bent nor broken; finish of main frame or mask approximately equivalent to new finish; working mechanism lubricated and adjusted to new-machine specifications; type whole, clear, accurately aligned; ribbon, typebar rest, platen surface, feed rolls, paper-finger or bail rolls new, and adjusted to give maximum performance;

(6) "Reconditioned typewriter" means a used typewriter which has been inspected since its last use and which meets the following specifications: all parts clean; internal parts free from rust, corrosion, flaws; working mechanism lubricated and accurately adjusted; type whole, clear, accurately aligned; ribbon new; platen, feed rolls and paper-finger or bail rolls of size, shaped and adjustment to give positive feed, registration, and manifolding performance;

(7) "Rough typewriter" or "as is typewriter" means a used typewriter which is not a shopworn, rebuilt or reconditioned typewriter;

(8) "Sale at retail" means a sale to an ultimate user or his agent;

(9) "Sale at wholesale" means a sale to any person other than an ultimate user or his agent.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1398.83 *Appendix A: Maximum prices for the rental and sale of typewriters.* (a) The maximum price for the rental of typewriters shall be:

(1) *Typewriters manufactured since January 1, 1935.*

	3 days or less (whether or not a stand is supplied)	One-half month	1 month	3 months
Electromatic typewriters	$2.00	$3.50	$10.00	$25.00
Other office-size typewriters:				
14" carriage and under	2.00	2.25	3.50	8.75
15" to 20" carriage inclusive	2.00	3.25	5.50	13.75
Over 20" carriage	2.00	5.25	9.50	23.75
Portable typewriters	2.00	2.00	3.00	7.50

(2) *Typewriters manufactured prior to January 1, 1935.*

	3 days or less (whether or not a stand is supplied)	One-half month	1 month	3 months
Electromatic typewriters	$2.00	$4.75	$8.50	$21.25
Other office-size typewriters:				
14" carriage and under	2.00	2.00	3.00	7.50
15" to 20" carriage inclusive	2.00	3.00	5.00	12.50
Over 20" carriage	2.00	5.00	9.00	22.50
Portable typewriters	2.00	2.00	3.00	7.50

(3) If the rental is for a period of more than three months, the rental rate for each additional month shall not exceed one third of the three-month rental rate set forth in subparagraphs (1) and (2) of this paragraph.

(4) If the supplier of the rented typewriter is obliged to render delivery and pick-up services in connection with the rental of the typewriter, he may add to the maximum price, as set forth in paragraph (a), a reasonable charge for such service and may demand and receive the amount of such charge simultaneously with the charge for the initial rental period.

(5) The age of the typewriter shall be determined by its serial and model number.

(i) Office-size Remington, Royal, L. C. Smith, Underwood, Woodstock, Burroughs and Electromatic typewriters manufactured prior to January 1, 1935 have serial numbers lower than the following; machines manufactured since January 1, 1935 have serial numbers higher than the following:

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991.

Make	Model	Highest serial No. of a machine manufactured prior to Jan. 1, 1935
1. Remington Standard	11	Not manufactured prior to Jan. 1, 1935.
Remington Standard	12, 20, 30	Z-333,500.
Remington Standard	16	Z-479,000.
Remington Standard	17	Not manufactured prior to Jan. 1, 1935.
Remington (or Monarch or Smith Premier) Standard.	50, 60	W-134,500.
Remington (or Monarch) Noiseless	6	X-240,500.
Remington (or Monarch) Noiseless	10	X-332,500.
2. Royal	All models	1,715,000.
3. L. C. Smith	Standard and silent	1,135,000.
4. Underwood	Standard	4,300,000.
Underwood	Noiseless	3,924,000.
5. Woodstock	5	400,000.
6. Burroughs	A	A-65,500.
7. Electromatic		11,850.

(ii) All other makes and models not set forth above are to be classified as manufactured prior to January 1, 1935 except that typewriters which have been rebuilt and renumbered shall be classified as manufactured since January 1, 1935 if the key-set tabulator mechanism is inbuilt. Those having other types of tabulator mechanism shall be classified as manufactured prior to January 1, 1935.

(b) The maximum price for the sale at retail of a used office-size typewriter with a 10 or 11 inch carriage shall be:

	"Rough" or "As is"	Reconditioned	Rebuilt
* *	*	*	*
ELECTROMATICS			
(Base price—add wide-carriage allowance)			
To 11,850	15.75	60.75	90.75
11,850 to 21,800	41.25	86.25	116.25
21,800 to 26,300	48.75	93.75	123.75
26,300 to 31,600	56.25	101.25	131.25
31,600 to 34,700	63.75	108.75	138.75
34,700 to 39,000	71.25	116.25	146.25
39,000 to 47,700	78.75	123.75	153.75
47,700 up	101.25	146.25	176.25
* *	*	*	*

(1) If the typewriter has a carriage wider than 10 or 11 inches there may be added to the maximum price the following amounts:

	"Rough" or "As is"	Reconditioned	Rebuilt
12" carriage	3.75	3.75	3.75
14" carriage	7.50	8.75	8.75
16" to 20" carriage inclusive	15.00	17.50	17.50
Over 20" carriage	22.50	27.50	27.50

§ 1398.85 *Effective date of amendments.* (a) Amendment No. 1 (§§ 1398.75, 1398.80, 1398.81, 1398.82, 1398.83 (a), (b) and (b) (1), 1398.85) of Maximum Price Regulation No. 162 shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10351; Filed, October 14, 1942; 4:22 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Amendment 4 to Maximum Price Regulation 194[1]]

ALASKA

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraph (c) (2) of § 1418.56 is amended to read as set forth below:

§ 1418.56 *Records and reports.* * * *

(c) *Lists to be filed.* * * *

(2) Every person offering to sell or deliver to a buyer in the Territory of Alaska commodities, not included among the cost-of-living items set forth in § 1499.25, Appendix B, of the General Maximum Price Regulation, and which are not actually produced or manufactured in the Territory of Alaska, shall prepare, not later than November 15, 1942, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, the following information:

(i) A list of all such commodities offered for sale by such person and the selling price thereof.

(ii) The direct cost, as defined herein, of every such commodity listed.

(iii) The amount of mark-up of every such commodity listed.

Any person who claims that substantial injury would result to him from making such statement available to any other person may file on or before November 15, 1942 this information, if such information has not heretofore been filed with the Office of Price Administration, Juneau, Alaska.

* * * * *

§ 1418.66 *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§ 1418.56 (c) (2)) to Maximum Price Regulation No. 194 shall become effective October 14, 1942.

(Pub. Laws, 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10352; Filed, October 14, 1942; 4:22 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5909, 6268, 6744, 8023.

PART 1499—COMMODITIES AND SERVICES

[Amendment 42 to Supplementary Regulation 14 to General Maximum Price Regulation]

SILVER SALT

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (25) (iv) (*a*) of paragraph (a) of § 1499.73 is amended as set forth below:

(*a*) "Silver salt" means any chemical compound which consists of silver and anions of acids, such as silver nitrate, silver ferricyanide, and silver nucleinate. For the purposes of this section, "silver salt" shall also include silver azide, silver oxide and silver sulphide.

(b) *Effective dates.* * * *

(43) Amendment No. 42 to Supplementary Regulation No. 14 (§ 1499.73 (a) (25) (iv) (*a*)) shall become effective October 19, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10353; Filed, October 14, 1942; 4:23 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Amendment 3 to Temporary Maximum Price Regulation 22[1]]

CERTAIN ESSENTIAL FOOD PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new paragraph (b) is added to § 1351.803 as set forth below:

§ 1351.803 *Exempt sales.* * * *

(b) Sales and deliveries of dried eggs may be made on an offer and acceptance basis between October 12, 1942, and December 3, 1942, inclusive, to the United States or any agency thereof, at prices not in excess of the following schedule:

Contracts to deliver between October 12, 1942, and October 15, 1942, inclusive, at $1.085 per pound.

Contracts to deliver between October 16, 1942, and October 31, 1942, inclusive, at $1.10 per pound.

Contracts to deliver between November 1, 1942, and November 15, 1942, inclusive, at $1.115 per pound.

Contracts to deliver between November 16, 1942, and December 3, 1942, inclusive, at $1.13 per pound.

The above prices are delivered New York City prices. The customary cost for additional packaging, when specified by the United States or any agency thereof, may be added to the above prices.

§ 1351.814 *Effective dates of amendments.* * * *

[1] 7 F.R. 7914, 8023, 8197.

(c) Amendment No. 3 (§ 1351.803 (b)) to Temporary Maximum Price Regulation 22 shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10377; Filed, October 15, 1942; 11:44 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 51]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN THE FORT WORTH DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within the Fort Worth Defense-Rental Area set out in § 1388.231 (a) of this Maximum Rent Regulation, as designated in the designation and rent declaration issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within said Fort Worth Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within said Fort Worth Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator the maximum rents established by this Maximum Rent Regulation for housing accommodations within said Fort Worth Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 51 is hereby issued.

AUTHORITY: §§ 1388.231 to 1388.244, inclusive, issued under Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

Sec.

§ 1388.231 *Scope of regulation.* (a) This Maximum Rent Regulation No. 51 applies to all housing accommodations within the Fort Worth Defense-Rental Area, consisting of the County of Tarrant in the State of Texas, (referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the designation and rent declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided,* That this Maximum Rent Regulation No. 51 does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to November 1, 1942 (the effective date of this Maximum Rent Regulation).

§ 1388.232 *Prohibition against higher than maximum rents.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on or after November 1, 1942 (the effective date of this Maximum Rent Regulation No. 51) of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) Notwithstanding any other provision of this Maximum Rent Regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant of part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the Area Rent Office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within 5 days after the filing of such report, upon the expiration of such 5-day period.

§ 1388.233 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 51 are for housing accommodations including, as a minimum, services of the same type, quantity and quality as those provided on the date determining the maximum rent. If, on the effective date of this section, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.235 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.235 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.234 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.235) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this section, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.235 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this Maximum Rent Regulation No. 51, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.235 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this section, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.237. The Administrator may order a decrease in the maximum rent as provided in § 1388.235 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942, or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.235 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Departments, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.235 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 51 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to March 1, 1942 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of the year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this section the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or an application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), (e), or (g) of § 1388.234 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of the year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this section, or at any time on his own initiative, may enter an order fixing the maximum

rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

§ 1388.236 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six-month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) (1) Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the Area Rent Office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations, by court process or otherwise, unless, at least ten days prior to the time specified for surrender of possession and to the commencement of any section for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the Area Rent Office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is non-payment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) At the time of commencing any action to remove or evict a tenant, including an action based upon non-payment of rent, the landlord shall give written notice thereof to the Area Rent Office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.237 *Registration.* Within 45 days after the effective date of this section, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation No. 51 for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.234 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.238 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.239 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 51 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.240 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 51 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.241 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 51 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.242 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 51 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.243 *Definitions.* (a) When used in this Maximum Rent Regulation No. 51:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.244 *Effective date of the regulation.* (a) All the provisions of this Maximum Rent Regulation No. 51 except §§ 1388.231, 1388.236 and 1388.243 shall become effective on November 1, 1942.

(b) The provisions of §§ 1388.231, 1388.236 and 1388.243 shall become effective on October 15, 1942.

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10378; Filed, October 15, 1942; 11:45 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 31 to Maximum Price Regulation 136,[1] as Amended]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment

[1] 7 F.R. 5047, 5362, 6665, 6908, 6425, 6682, 6682, 6682, 6699, 6964, 6964, 6965, 7944, 6937, 6973, 6937, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 8198.

has been issued simultaneously herewith and filed with the Division of the Federal Register.*

New subparagraph (21) is added to § 1390.25 (c) and new paragraph (ee) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(21) *Automotive replacement storage batteries.* Notwithstanding the provisions of §§ 1390.5, 1390.6 and 1390.10, the maximum price applicable to the sale by the manufacturer, or a seller other than the manufacturer, of any automotive replacement storage battery, for which there was a published or confidential list price in effect on October 1, 1941, shall be the net price determined in accordance with the applicable provisions of §§ 1390.5, 1390.6 or 1390.10, plus an amount not exceeding one cent for each pound, or major fraction of a pound, of lead contained in such battery: *Provided,* That the price so determined shall in no event exceed the highest price charged by the manufacturer, or seller other than the manufacturer, for such battery during the month of March 1942.

§ 1390.31a *Effective dates of amendments.* * * *

(ee) Amendment No. 31 (§ 1390.25 (c) (21)) to Maximum Price Regulation No. 136, as amended, shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10379; Filed, October 15, 1942; 11:44 a. m.]

PART 1404—RATIONING OF RUBBER FOOTWEAR

[Amendment 2 to Ration Order 6[1]]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

Paragraph (d) to § 1404.43 is hereby revoked and a new paragraph (b) to § 1404.71 is added.

§ 1404.71 *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1404.43 (d)) shall become effective October 15, 1942.

(Pub. Laws 421 and 729, 77th Cong.; WPB Directive No. 1, 7 F.R. 562, and Supplementary Directive No. 1-N, 7 F.R. 7730, E.O. 9250, 7 F.R. 7871)

Issued this 15th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10380; Filed, October 15, 1942; 11:44 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7748, 7967.

PART 1499—COMMODITIES AND SERVICE

[Amendment 1 to Order 12 Under § 1499.3 (b) of General Maximum Price Regulation—Docket 5089-3-A]

DEFENDER MANUFACTURING COMPANY

Correction

That portion of § 1499.49 (e) which precedes the table (7 F.R. 8022) should read as follows:

(e) In addition to the maximum prices set forth in paragraph (d) of this section, Defender Manufacturing Company may charge the following premiums for pieces which are hemstitched or scalloped. For any piece which is both hemstitched and scalloped, both premiums may be charged:

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 10—INSURANCE

PREMIUM WAIVERS AND TOTAL DISABILITY

Revision of §§ 10.3440, 10.3441, 10.3442, 10.3446, 10.3447 and 10.3448.

AUTHORITY: §§ 10.3440 to 10.3442, inclusive, and §§ 10.3446 to 10.3448, inclusive, issued under sec. 608, 54 Stat. 1012; 38 U.S.C. 803.

§ 10.3440 *Requirements for waiver of premiums.* Upon written application by the insured payment of premiums may be waived during the continuous total disability of the insured which continues or has continued for six or more consecutive months, provided such disability commenced (1) subsequent to date of application for insurance, (2) while the insurance was in force under premium-paying conditions, and (3) prior to the insured's sixtieth birthday: *Provided,* This paragraph shall not apply to any premium waiver authorized under subsection 602 (D) (3) of the Act, as amended. The insured shall be required to furnish proof satisfactory to the Administrator showing continuous total disability for at least six consecutive months, and may be denied benefits for failure to cooperate. (October 16, 1942)

§ 10.3441 *Effective date of premium waiver.* The waiver of premiums may be made effective as of the date such six months continuous total disability commenced, but, except as hereafter provided the waiver shall not be effective as to any premium which became due more than one year prior to receipt in the Veterans' Administration of application for waiver of premiums: *Provided,* That the Administrator may grant waiver of premiums more than one year prior to date of application therefor in any case in which the Administrator finds that failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the control of the insured. Premiums tendered to cover a period during which the waiver is effective shall be refunded without interest. (October 16, 1942)

§ 10.3442 *Discontinuance of premium waiver.* The Administrator may require proof of continuance of total disability at any time when he may deem same necessary. In the event it is found that an insured is no longer totally disabled the waiver of premiums shall cease as of the date of such finding; (or in the event a finding that the insured is no longer totally disabled is made at the same time a finding is made of total disability entitling the insured to a waiver of premium while so disabled, the waiver of premiums shall cease as of the date on which total disability ceased.) After a waiver of premiums has ceased the insurance may be continued by payment of premiums, the due date of the first premium payable being the next regular monthly due date of the premium under the policy; however, the insurance shall not lapse prior to date of expiration of the grace period allowed for the payment of such premium, or prior to the expiration of thirty-one days after date of notice to the insured of the termination of the premium waiver, whichever is the later date. Such notice shall be sent by registered mail, return receipt requested, advising of the due date of the first premium payable after termination of the waiver and of the amount of premiums payable. Sufficient notice within the provisions of this regulation will be deemed to have been given when such letter reaches the insured's last address of record, and the failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for a further extension of time for payment of premiums under this paragraph: *Provided,* That in cases wherein delivery of notice at the last address of record is impossible because of suspension of mail service and other usual means of communication, a grace period of not more than one year may be granted, computed from the due date of the first premium payable after termination of the waiver, and if premiums be not paid within such period the insurance shall lapse effective as of the due date of such first premium.

If the insured shall fail to cooperate with the Administrator in securing any evidence he may require to determine whether total disability has continued, the premium waiver shall cease effective as of the date finding is made of such failure to cooperate, and the insurance may be continued by the payment of premiums within the thirty-one day period provided above. (October 16, 1942)

BENEFICIARIES

§ 10.3446 *Beneficiary designations.* The insured shall have the right to designate a beneficiary or beneficiaries, but only within the following classes to be known as the permitted class of designated beneficiaries:

Wife (husband), child (including an adopted child, stepchild, illegitimate child), parent (including parent through adoption, and persons who stood in loco parentis to the insured for a period of not less than one year prior to entry into

active service), brother or sister (including those of the half blood) of the insured.

A beneficiary designation shall be made by notice in writing to the Veterans Administration signed by the insured. An original beneficiary designation may be made by last will and testament duly probated, but no change of beneficiary may be made by last will and testament. A stepchild or illegitimate child cannot be paid under the act unless specifically designated as a beneficiary by the insured. A designation of beneficiary need not be made in the application for insurance, but may be made at a later date. (October 16, 1942)

§ 10.3447 *Beneficiary changes.* The insured shall have the right at any time, and from time to time, and without the knowledge or consent of the beneficiary to cancel the beneficiary designation, or to change the beneficiary within the class of beneficiaries set forth in § 10.3446. A change of beneficiary to be effective must be made by notice in writing signed by the insured and forwarded to the Veterans Administration by the insured or his agent, and must contain sufficient information to identify the insured. Whenever practicable such notices shall be given on blanks prescribed by the Veterans Administration. Upon receipt by the Veterans Administration, a valid designation or change of beneficiary shall be deemed to be effective as of the date of execution: *Provided,* That any payment made before proper notice of designation or change of beneficiary has been received in the Veterans Administration shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments. (October 16, 1942)

§ 10.3448 *Class and order of payment to other than designated beneficiary.* If no beneficiary is designated by the insured, or if the designated beneficiary or beneficiaries should not survive the insured, or should die prior to completion of payment of the instalments certain payable under the provisions of the Act and the terms of the policy, the instalments of insurance remaining unpaid shall be paid to persons in the permitted class of beneficiaries and in the order named:

(a) Widow (widower) of the insured,

(b) Child or children of the insured (including adopted children), in equal shares,

(c) Parent or parents who last bore such relationship to the insured (including parent through adoption and persons who stood in loco parentis to the insured for a period of not less than one year prior to entry into active service) in equal shares,

(d) Brothers and sisters of the insured (including those of the half blood), in equal shares. (October 16, 1942)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 42-10373; Filed, October 15, 1942; 11:38 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 89]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CAR PEDDLING

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of October, A. D. 1942.

It appearing, that due to the present state of war an emergency exists which in the opinion of the Commission requires immediate action to prevent delay in the movement of refrigerator cars and congestion of traffic; and

It further appearing, that the prompt release of refrigerator cars used in the transportation of wine grapes and juice grapes is retarded by the practice commonly known as "car peddling;" *It is ordered:*

§ 95.300 *Prompt release of cars; car peddling prohibited (wine and juice grapes).* (a) The operation of the practice of common carriers by railroad subject to the Interstate Commerce Act of allowing or permitting the use of refrigerator cars for car peddling (which for the purpose of this order is defined as the vending of freight directly from the car to consumer by retail sale) of wine grapes and juice grapes, is hereby suspended and prohibited.

(b) This order shall become effective October 19, 1942, and continue in effect until the further order of the Commission.

(40 Stat. 101, 41 Stat. 476; 49 Stat. 543, 54 Stat. 901; 49 U.S.C. 1 (10-17))

And it is further ordered, That a copy of this order be served upon the Car Service Division, Association of American Railroads, as Agent of the railroad carriers subscribing to the Car Service and Per Diem Agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register, the National Archives.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-10370; Filed, October 15, 1942; 11:24 a. m.]

Chapter II—Office of Defense Transportation

[Suspension Order ODT 1-1]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS, SUSPENSIONS AND PERMITS

SUBPART A—MERCHANDISE TRAFFIC IN THE TERRITORY OF HAWAII, ALASKA, AND THE PANAMA CANAL ZONE

By virtue of the authority vested in me by Executive Order No. 8989, issued December 18, 1941, *It is hereby ordered,* That:

AUTHORITY: §§ 520.3 to 520.4, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 520.3 *Provisions of General Order ODT 1 suspended with respect to operations of certain carriers.* The provisions of §§ 500.1 to 500.7, inclusive, of Subpart A, Part 500, Chapter II, Title 49, of the Code of Federal Regulations (General Order O.D.T. No. 1, as amended)[1] are hereby suspended with respect to the operations of any carrier in the Territory of Hawaii, Alaska, and the Panama Canal Zone.

§ 520.4 *Effective date.* This suspension order shall become effective on the 15th day of October 1942.

Issued at Washington, D. C., this 15th day of October 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-10376; Filed, October 15, 1942; 11:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1572]

ONTARIO GAS COAL CORP. OF VIRGINIA

MEMORANDUM OPINION CONCERNING, AND ORDER GRANTING, TEMPORARY RELIEF

In the matter of the petition of Ontario Gas Coal Corporation of Virginia for the establishment of price classifications and minimum prices for the coals of its Tidewater No. 2 Mine, Mine Index No. 316 in District No. 7.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division (the "Division") on August 1, 1942, by the Ontario Gas Coal Corporation of Virginia, a code member in District No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act").

Petitioner requested the establishment of price classifications and minimum prices for the coals of its Tidewater No. 1 Mine, Mine Index No. 289, in District No. 7. It appears from the records of the Division that Mine Index No. 289 is a deep mine. The mine for which petitioner proposed price classifications and minimum prices, however, is a strip operation. It is therefore identified as a separate operation, designated Tidewater No. 2 Mine, Mine Index No. 316.

As amended on August 20 and September 17, 1942, the petition requests the establishment of classifications and minimum prices for the coals in Size Groups 1-6 for shipment by truck, and in Size Groups 1-3 and 5-8 for shipment by rail into Market Area 100.

On August 29, 1942, petitioner was granted temporary relief under an Order of the Acting Director establishing minimum prices in Size Groups 1 to 6 inclusive, for truck shipment, and in Size

[1] 7 F.R. 3046, 3213, 3753.

Group 8 for rail shipments to the switching limits of Richmond, Virginia.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on September 18, 19 and 21, 1942, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were filed by petitioner, intervenor District Board 7 and Bituminous Coal Consumers' Counsel.

On September 24, 1942, shortly after the hearing and prior to the filing of the report of the Examiner, petitioner filed a motion for the establishment of immediate temporary prices for all shipments except truck and for truck shipments as prayed for in the amended petition. In support of its motion for further temporary relief petitioner alleged, *inter alia*, that the temporary prices established under the Order of August 29, 1942, are wholly inadequate to meet the requirements of section 4 II (a) and (b) of the Act. The question of immediate temporary relief is now before the Director on the basis of the record made before Examiner Mitchell.

It appears to the Director that a reasonable showing of necessity has been made for the immediate temporary relief pending final disposition of this proceeding.

The record shows that at the time of the hearing, petitioner had stored a considerable amount of coal at its mine pending the final disposition of this proceeding. Petitioner alleges that although there is a probable market for its coal, the amount so stored, which is steadily increasing to the disadvantage of petitioner, cannot be marketed for the reason that temporary minimum prices have not been established as requested in petitioner's amended petition. The record discloses no opposition by interested persons to petitioner's request for the establishment of temporary prices.

Petitioner requested temporary prices of $4.50 per net ton for its coals in Size Group 1 and $3.00 per net ton for those in Size Group 8, for rail shipments. These prices, as requested, should be increased in accordance with the Order of the Acting Director in General Docket No. 21, dated August 28, 1942, and as so increased, established. It would appear from the record that in so far as petitioner's coals are analogous to coals already classified in District 7, they may be related to Classification "A" coals. Accordingly, the price differentials among size groups which apply to the Low Volatile Classification "A" coals of that district should be maintained in establishing prices for petitioner's coals. This principle is not followed in connection with the temporary pricing of Size Group 8 coals, however, since to do so would be to price such coals higher than petitioner itself requests.

Though petitioner made no request for a price for its Size Group 4 coals, a temporary minimum price for that size group has been established, in the event coals in that group are shipped in the future.

Temporary minimum prices for truck shipment have been established at the same levels as for rail shipment.

All prices established should be made applicable, however, only for shipments into Market Area 100, in light of petitioner's request in that respect.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 7 for All Shipments except Truck and for Truck Shipments is supplemented to include the price classifications and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T" annexed hereto and hereby made a part hereof.[1]

It is further ordered, That nothing herein contained shall be construed as a ruling or expression of the Director's views concerning the final disposition of this proceeding.

It is further ordered, That the temporary minimum prices established by the Order of the Acting Director of August 29, 1942, establishing minimum prices for the coals of the Tidewater No. 2 Mine, Mine Index No. 316 be, and they are hereby, cancelled.

It is further ordered, That the temporary prices established herein are applicable only for shipments into Market Area 100.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 8, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10367; Filed, October 15, 1942; 10:56 a. m.]

[Docket No. A-1495]

DISTRICT BOARD 14

ORDER CANCELLING HEARING AND DISMISSING PETITION

In the matter of the petition of District Board No. 14 for revision of price classifications and minimum prices for certain mines in District No. 14.

The original petitioner having moved that its petition in the above-entitled matter be dismissed without prejudice, and it appearing that there is no objection thereto;

Now, therefore, it is ordered, That the hearing scheduled to be held in the above-entitled matter on October 21, 1942, at a hearing room of the Bituminous Coal Division at Fort Smith, Arkansas, be, and it hereby is, cancelled.

[1] Filed as part of the original document.

It is further ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed.

Dated: October 14, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-10363; Filed, October 15, 1942; 10:54 a. m.]

Bureau of Mines.

SANDY MARKET, INC.

PROCEEDING FOR REVOCATION OF LICENSE

To: Sandy Market, Inc., Sandy, Oregon; specification of charges and notice of hearing.

You are hereby charged with violations of the Federal Explosives Act in:

(1) That on May 5, 1942, and at other times thereafter until and including September 15, 1942, you stored explosives of a quantity greater than 25 pounds, not in the process of manufacture, otherwise than in a magazine which was properly constructed, safely located and securely locked or otherwise protected against theft;

(2) That you have not kept a complete, itemized, and accurate record showing the persons to whom, the dates on which, the amounts in which, and the purposes for which you sold, issued, or otherwise disposed of explosives.

Each of the two items set out above constitutes, if true, a violation of the Federal Explosives Act (55 Stat. 863), or the regulations pursuant thereto. Item (1) constitutes a violation of section 17 (a) of the regulations, item (2) a violation of section 5 of the Act and section 14 (d) of the regulations.

Unless by letter postmarked not more than 15 days from the date of this notice (1) you deny each and every one of the charges specified above or set out a legal excuse for those that are admitted or deny that the acts charged constitute violations of the Federal Explosives Act or of the regulations issued pursuant thereto and (2) demand that you be heard on your answer to those charges, I shall forthwith revoke the vendor's license heretofore issued to you under the Federal Explosives Act.

If, after denying each and every one of the charges specified above or after setting up a legal excuse for those charges that are admitted or after denying that the acts charged constitute violations of the Federal Explosives Act or of the regulations issued pursuant thereto, you demand that you be heard on your answer to those charges, you will be heard on November 16, 1942, at 10 o'clock in the morning before J. Howard Bird, Mining Engineer, United States Bureau of Mines, Seattle, Washington, or by such other representative of the Director of the Bureau of Mines as he shall designate, at the office of the Bureau of Mines in the Federal Building, Seattle, Washington, or on the same date and at the same time before me or my representative at the office of the Bureau of Mines in the Interior Building, Washington, D. C. Your

choice between Seattle, Washington and Washington, D. C. as a hearing place must be clearly indicated in the letter in which you demand a hearing. The hearing will be informal but you may appear with counsel if you so choose.

A copy of the Federal Explosives Act and a copy of the regulations issued under its authority are enclosed.

Dated at Washington, D. C., this 9th day of October 1942.

R. R. SAYERS,
Director.

[F. R. Doc. 42-10366; Filed, October 15, 1942; 9:26 a. m.]

LABOR DEPARTMENT.

Children's Bureau.

OPERATION OF POWER-DRIVEN WOODWORKING MACHINES

PROPOSED AMENDMENT OF HAZARDOUS OCCUPATIONS ORDER

OCTOBER 14, 1942.

Whereas the Chief of the Children's Bureau, United States Department of Labor, issued Hazardous-Occupations Order No. 5 (6 F.R. 3149, June 28, 1941), effective August 1, 1941, declaring that certain occupations involved in the operation of power-driven woodworking machines are particularly hazardous for the employment of minors between 16 and 18 years of age, and

Whereas a supplementary investigation has been made which reveals that the employment in such occupations of apprentices in certain apprenticeable trades that are nonhazardous as a whole for such apprentices, is incidental to their apprentice training, is intermittent and for short periods of time, and is under the direction and supervision of an instructor, and

Whereas experience under the order mentioned above has revealed the need of clarifying certain language used in said order, and

Whereas the Chief of the Children's Bureau proposes to issue an order amending Hazardous-Occupations Order No. 5,

Now, therefore, notice is hereby given that any interested person may, within twenty days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Chief of the Children's Bureau, United States Department of Labor, Washington, D. C., written objections thereto, together with a memorandum or brief in support of such objections. Any interested person may secure a copy of the report of the Children's Bureau entitled "Occupational Hazards to Young Workers: The Use of Power-Driven Woodworking Machines in Apprentice Training" upon request made to the Chief of the Children's Bureau, United States Department of Labor, Washington, D. C.

Proposed Order

It is ordered, That § 422.5 of Part 422 of Chapter IV, Title 29, Code of Federal Regulations, is hereby amended so as to read as follows:

§ 422.5 *Occupations involved in the operation of power-driven woodworking machines*—(a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven woodworking machines are particularly hazardous for minors between 16 and 18 years of age:

(1) The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.

(3) The occupations of off-bearing from circular saws and from guillotine-action veneer clippers.

(b) *Definitions.* As used in this order:

(1) The term "power-driven woodworking machines" shall mean all fixed or portable machines or tools driven by power and intended for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

(2) The term "off-bearing" shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off bearing within the intent of this order include (a) the removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and (b) the following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation: the carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

(c) This order shall not apply to the employment of apprentice pattern makers, cabinet makers, airplane-model makers, ship joiners, and moldloftsmen in the occupations declared particularly hazardous in § 422.5 (a) hereof, if such employment is incidental to their apprentice training, is intermittent and for short periods of time and under the direction and supervision of an instructor as a necessary part of such apprentice training, and is carried on in accordance with a written apprenticeship agreement that has been approved by the Federal Committee on Apprenticeship of the Apprentice-Training Service, War Man Power Commission, or by a State apprenticeship council or other authority recognized by the Federal Committee on Apprenticeship.

(d) This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(e) This amendment shall become effective upon publication in the Federal Register.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 42-10372; Filed, October 15, 1942; 11:36 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-141]

CITIES SERVICE GAS COMPANY

ORDER FIXING DATE OF HEARING

OCTOBER 13, 1942.

Commissioners: Leland Olds, Chairman, Claude L. Draper, Basil Manly, John W. Scott and Clyde L. Seavey.

It appearing to the Commission that:

(a) On October 20, 1939, the Commission entered an order instituting an investigation to determine whether, with respect to any transportation or sale of natural gas by Cities Service Gas Company subject to the jurisdiction of the Commission, any rates, charges or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential;

(b) The said order of October 20, 1939, provided, further, that if the Commission, after hearing has been had, shall find that any such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force;

(c) The investigation conducted by the Commission's staff pursuant to such order of investigation, now substantially completed, discloses conditions, facts and circumstances which warrant a public hearing with respect to the matters set forth in paragraphs (a) and (b) hereof;

The Commission orders that:

(A) A public hearing be held with respect to the matters under investigation, commencing on November 30, 1942, at 10 a. m., in the Federal Building, Kansas City, Missouri, and continuing thereafter at such other times and places as the presiding Trial Examiner may designate;

(B) Interested State commissions may paritcipate in said hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-10371; Filed, October 15, 1942; 11:26 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 226]

ESTATE OF WILLIAM GASPAR, DECEASED

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,[1] and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest and claim of any name or nature whatsoever in and to the Estate of William Gaspar, deceased, of John Gaspar and Mrs. Elena Gaspar Cornea, and each of them, the last known address of both of whom was represented to the undersigned as being in Chisindia, Rumania, and both of whom are nationals of a designated enemy country (Rumania),

is property which is in the process of administration by a person (namely, the Special Administrator of the aforesaid Estate) acting under judicial supervision (namely, that of the District Court of the Fourteenth Judicial District of the State of Montana, in and for the County of Meagher) and which is payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Rumania), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Rumania), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 10, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-10344; Filed, Octoer 14, 1942; 2:32 p. m.]

[1] 7 F.R. 1971.

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under Revised Price Schedule 12—Brass Mill Scrap—Docket 3012-3]

GATKE CORPORATION

ORDER GRANTING EXCEPTION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250[1] and § 1309.19 (e) (2) of Revised Price Schedule No. 12—Brass Mill Scrap, *It is ordered:*

(a) Gatke Corporation of Chicago, Illinois may buy and receive from the American Brass Company of Waterbury, Connecticut, and the American Brass Company of Waterbury, Connecticut, may sell and deliver to the Gatke Corporation of Chicago, Illinois, at a price not higher than 12.5¢ per pound f. o. b. point of shipment specially prepared brass mill scrap: *Provided,* That the Gatke Corporation of Chicago, Illinois, has been authorized by the War Production Board to make each such purchase.

(b) As used in this Order No. 4 "specially prepared brass mill scrap" shall mean screened brass chips of uniform size anaylzing 58 to 63% copper, 34 to 39% zinc and 2 to 3% lead.

(c) Unless the context otherwise requires, the terms used in this Order No. 4 shall have the same meaning given to them by Revised Price Schedule No. 12.

(d) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 4 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10322; Filed, October 14, 1942; 12:28 p. m.]

[1] 7 F.R. 7871.

[Order 1 Under Maximum Price Regulation 37—Butyl Alcohol and Esters Thereof—Docket 3037-1]

PUBLICKER COMMERCIAL ALCOHOL COMPANY

ORDER DENYING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, *It is ordered:*

(a) The petition of Publicker Commercial Alcohol Company, of Philadelphia, Pennsylvania, Docket No. 3037–1, for an exception from the maximum prices established by Maximum Price Regulation No. 37 for sales of normal fermentation butyl alcohol and normal fermentation butyl acetate, is denied.

(b) This Order No. 1 under Maximum Price Regulation No. 37 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10323; Filed, October 14, 1942; 12:29 p. m.]

[Order 5 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Buckley Logging Co., Buckley, Washington.
Usitalo Bros. Logging Co., Darrington, Washington.
Mullenix Bros., Inc., Pe Ell, Washington.
Mullenix Bros., Co., Montesano, Washington.
Crown Zellerbach Corporation, San Francisco, California. (Neah Bay Division).
Crown Zellerbach Corporation, San Francisco, California. (Cathlamet Division).
Crown Zellerbach Corporation, San Francisco, California. (Clatsop County Division).
Baldridge Logging Company, Inc., Sedro Woolley, Washington.
Grand Rapids Oregon Timber Co., Seaside, Oregon.
Belding Logging Company, Portland, Oregon.
Jones & Anderson Logging Company, Darrington, Washington.
Alex Cugini, Renton, Washington.
Mallory Logging Company, Raymond, Washington.
West End Logging Company, Beaver, Washington.
Weyerhaeuser Timber Company, Vail-McDonald Operations, Vail, Washington.
The Lindberg & Hobi Company, Tacoma, Washington.

(b) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them $1.50 per 1,000 ft., log scale:

Ostrander Railway & Timber Company, Molalla, Oregon.
Sharp Logging Company, Molalla, Oregon.
Cascade Timber Company, Tacoma, Washington.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(d) This Order No. 5 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 5 to Maximum Price Regulation 161 shall become effective this 15th day of October 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10320; Filed, October 14, 1942; 12:33 p. m.]

[Order 6 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Franks & Sherin, Sedro Woolley, Washington.
Frank Pearce, Potlatch, Washington.
L. E. Jensen Logger, Raymond, Washington.
Ritner Logging Company, Gates, Oregon.
Gehrke Logging Company, Port Angeles, Washington.
Wm. S. Robison Logging Co., Bellingham, Washington.
Kemp Davis & Kemp, Bellingham, Washington.
Potter-Maginnis Piling Co., Ridgefield, Washington.
H. R. Stafford and Sons, Springfield, Oregon.
Mayr Bros., Aberdeen, Washington.
Lyle McNeill Logging Co., Bellingham, Washington.
Robison Logging Company, Seattle, Washington.
Harry Aubol Logging Co., Cosmopolis, Washington.
Winona Investment Company, Deming, Washington.
Walton Brothers Timber Company, Everett, Washington.
D. I. Waterhouse Logging, Gearhart, Oregon.
Scott Logging Co., Shelton, Washington.
Gray Logging Company, Seaside, Oregon.
Quinault Logging Company, Aberdeen, Washington.

(b) The following person being on a 54-hour week may add to the maximum prices of all logs produced by him $1.50 per 1,000 ft., log scale:

Henry Kling, Tolovana Park, Oregon.

(c) The additions to maximum prices specified in paragraphs (a) and (b) hereof may be subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(d) This Order No. 6 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(e) This Order No. 6 to Maximum Price Regulation 161 shall become effective this 15th day of October 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10318; Filed, October 14, 1942; 12:25 p. m.]

[Order 7 Under § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs]

OVERTIME ADDITIONS

Pursuant to the provisions of § 1381.160 (e) of Maximum Price Regulation 161—West Coast Logs, the following persons have filed with the Office of Price Administration, Washington, D. C., a certified statement that said persons regularly maintain the following hours per week in all of their logging operations. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1381.160 (e) of Maximum Price Regulation 161, *It is hereby ordered:*

(a) The following persons being on a 48-hour week may add to the maximum prices of all logs produced by them $1.00 per 1,000 ft., log scale:

Cub Creek Timber Co., Lake Stevens, Washington.
Charman Logging Co., Hoquiam, Washington.
Carl Helberg Company, Raymond, Washington.
Hollenbeck Logging Company, Seaside, Oregon.
Northern Timber Company, Inc., Olympia, Washington.

(b) The following persons being on a 54-hour week may add to the maximum prices of all logs produced by them $1.50 per 1,000 ft., log scale:

C. E. Harris, Shelton, Washington.
Carl Campen, Seabeck, Washington.
Kay Logging Company, Kent, Washington.
Lane-Linn Logging Co., Eugene, Oregon.

(c) The following person being on a 60-hour week may add to the maximum prices of all logs produced by it $2.00 per 1,000 ft., log scale:

James Johnston and Charles Johnston Logging Company, Hoodsport, Washington.

(d) The additions to maximum prices specified in paragraphs (a), (b) and (c) hereof may be made subject to the condition that the persons named comply with all provisions of § 1381.160 (e) (2) of Maximum Price Regulation 161.

(e) This Order No. 7 may be revoked or amended by the Price Administrator at any time by similar publication in the FEDERAL REGISTER for change of status of any of the persons named herein as an overtime company.

(f) This Order No. 7 to Maximum Price Regulation 161 shall become effective this 15th day of October 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10319; Filed, October 14, 1942; 12:25 p. m.]

[Order 9 Under § 1499.161 (a) (2) of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel—Docket GF3-115]

DISPLAY STAGE LIGHTING COMPANY

ORDER GRANTING ADJUSTMENT

Granting adjustment of maximum prices for sale of a spotlight manufactured by Display Stage Lighting Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) Any person may sell, offer to sell, or deliver a "Fresnel Photospot" manufactured by Alice A. Price, doing business as Display Stage Lighting Company, at prices no higher than those set forth below, subject to discounts, allowances, and terms no less favorable than those customarily granted by the seller:

(1) For sales to retailers, $9.97.

(2) For sales to ultimate consumers, $14.95.

The seller shall bear the transportation charges to the extent that he has customarily done so.

(b) As to the sales of the "Fresnel Photospot" to retailers, the adjustment granted in paragraph (a) is subject to the condition that the seller shall advise each retailer of the adjustment of maximum prices permitted by this Order No. 9. Such notification shall be made at or before the first delivery of a "Fresnel Photospot" to such retailer after the effective date of this Order No. 9 and shall contain the following statement:

By an adjustment granted by the Office of Price Administration, my maximum price for sales to you of the Fresnel Photospot is $9.97 and your maximum price for sales at retail is $14.95. This adjustment was granted to enable us to pass on the part of the increased costs which we were unable to absorb.

(c) This Order No. 9 shall become effective on the 15th day of October 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10321; Filed, October 14, 1942; 12:26 p. m.]

[Order 62 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 3120-46]

BOGUS-WHITE COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in the opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250 and § 1340.207 (a) of Maximum Price Regulation No. 120, *It is hereby ordered,* That:

(a) The Bogus-White Coal Company, Alpha, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein.

(b) Coals in Size Groups 1, 2, 4, 10, 11, and 12 produced at the Alpha No. 2 Mine (Mine Index No. 1), District No. 10, of the Bogus-White Coal Company, may be sold for shipment by truck or wagon at prices, per net ton, f. o. b. the mine, not to exceed $4.00 for Size Groups 1 and 2, $3.50 for Size Group 4, and $2.75 for Size Groups 10, 11 and 12.

(c) This Order No. 62 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 62 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10324; Filed, October 14, 1942; 12:27 p. m.]

[Order 63 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Dockets 1120-65-P, 1120-67-P, 1120-69-P, 1120-77-P and 1120-153-P]

OGDEN SUPERIOR COAL CO., ET AL.

ORDER GRANTING ADJUSTMENTS

Order granting adjustments to Ogden Superior Coal Company, The Grove Company, The Miners Coal Company, The Wilson Bridge Coal Company and The Scandia Coal Company.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is hereby ordered:*

(a) The Ogden Superior Coal Company, Ogden, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in Size Groups 1, 6 and 7 produced at the Ogden Mine, of the Ogden Superior Coal Company, Mine Index No. 42, District No. 12, at prices per net ton not to exceed $4.75, $3.90 and $3.95, respectively, f. o. b. the mine.

(b) The Grove Coal Company, Boone, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in size Groups 1, 3 and 8 produced at the Grove Mine, of the Grove Coal Company, Mine Index No. 324, District No. 12, at prices per net ton not to exceed $5.00, $4.75 and $2.75, respectively, f. o. b. the mine.

(c) The Miners Coal Company, Boone, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in Size Groups 1, 4 and 8 produced at the No. 4 Mine, of the Miners Coal Company, Mine Index No. 7, District No. 12, at prices per net ton not to exceed $5.00, $4.50 and $2.75, respectively, f. o. b. the mine.

(d) The Wilson Bridge Coal Company, Pilot Mount, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coals in Size Groups 1 and 5 produced at the mine of the Wilson Bridge Coal Company, Mine Index No. 519, District No. 12, at prices per net ton not to exceed $4.75 and $3.75, respectively, f. o. b. the mine.

(e) The Scandia Coal Company, Des Moines, Iowa, may sell and deliver, and any person may buy and receive, for shipment by truck or wagon, the bituminous coal in Size Groups 1, 3, 6, 7, and 8 produced at the No. 4 Mine, of the Scandia Coal Company, Mine Index No. 54, District No. 12, at prices per net ton not to exceed $5.35, $5.10, $4.60, $5.10, and $3.50, respectively, f. o. b. the mine.

(f) This Order No. 63 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires, the definitions set forth in § 1340.-208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(h) This Order No. 63 shall become effective this 15th day of October 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10325; Filed, October 14, 1942; 12:33 p. m.]

[Order 25 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Dockets 3122-127, 3122-128, and 3122-251]

BURDICK COAL CO.—CITY OF WATERTOWN, ET AL.

ORDER GRANTING ADJUSTMENT

Granting adjustment to City of Watertown, Burdick Coal Company, Incorporated, and R. J. Buck Coal Company.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Dockets numbered 3122-127, 3122-128, and 3122-251 are herewith consolidated and disposed of pursuant to this order;

(b) Burdick Coal Company, Incorporated, and R. J. Buck Coal Company, each of Watertown, New York, may sell and deliver, and the City of Watertown, New York, may buy and receive the coal indicated in paragraph (c) below at prices no higher than those set forth in said paragraph (c);

(c)

Kind of coal:	*Maximum prices*
Egg-stove-nut (anthracite)	$11.48
Pea (anthracite)	9.53
Rice (anthracite)	6.72
Buck (anthracite)	7.57
2" Red Top to siding (not bins) (bituminous)	6.35
1¼ lump in bins Sonman slope (bituminous)	7.09
¾ x 2 stoker Yatesboro No. 2 (bituminous)	6.79
⅝ x 1⅛ Morgan stoker (bituminous)	6.61
Morris run (¾" Morris) (bituminous)	6.72

(d) All prayers of the petitions not herein granted are denied;

(e) This Order No. 25 may be revoked or amended by the Price Administrator at any time;

(f) Unless the context otherwise requires, the definitions set forth in § 1340.-258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(g) This Order No. 5 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10326; Filed, October 14, 1942; 12:27 p. m.]

[Order 26 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket 3122-23]

UNIVERSAL COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Universal Service Company of Philadelphia, Pennsylvania, owned and operated by Ernest Veill, may sell and deliver, and the Board of Directors of City Trusts, City of Philadelphia, may buy and receive the coal and the quantities thereof stated in paragraph (b) below at prices no higher than those set forth in said paragraph (b);

(b)

Nature of coal	Quantities	Per ton price
	Tons	
Chestnut size anthracite	2,000	$10.23
Chestnut size anthracite	250	9.94
Chestnut size anthracite	700	9.94

(c) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 26 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10327; Filed, October 14, 1942; 12:29 a. m.]

[Order 27 Under Maximum Price Regulation 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers—Docket 3122-39]

C. K. SMITH & CO., INC.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1340.257a of Maximum Price Regulation No. 122, *It is hereby ordered:*

(a) C. K. Smith & Co., Inc. of Worcester, Massachusetts, may sell and deliver, and the City of Worcester, Massachusetts, may buy and receive egg, stove, and nut sizes of anthracite coal from C. K. Smith & Co., Inc., at prices not in excess of $13.10 per ton;

(b) This Order No. 27 may be revoked or amended at any time;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to the terms used herein;

(d) This Order No. 27 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10328; Filed, October 14, 1942; 12:27 p. m.]

[Order 5 Under Maximum Price Regulation 163—Woolen and Worsted Civilian Apparel Fabrics—Docket 3163-8]

HOLYOKE WORSTED COMPANY

ORDER GRANTING ADJUSTMENT OF PRICES

For the reasons set forth in the opinion, which has been issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250 and, in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) (1) The maximum price for sales and deliveries by the Holyoke Worsted Company of its 800 range fabric, described in its Petition for Adjustment and accompanying affidavits as a clear finish, 14-14½ ounce fancy worsted used by the men's wear trade, containing stock-dyed yarn 2/32s-64's quality wool, both warp and filling, and having approximately 68 x 60 ends and picks, shall be $3.35 per yard.

(2) For the purposes of the provisions of Maximum Price Regulation No. 163, the maximum price for the 800 range fabric of the Holyoke Worsted Company permitted by this Order No. 5 shall be deemed to have been determined in accordance with paragraph (a) of § 1410.102 of such regulation.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 5 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 5 shall become effective October 15, 1942: *Provided,* That the selling prices for the 800 range fabric of the Holyoke Worsted Company agreed upon in adjustable pricing contracts entered into by the Holyoke Worsted Company on or after September 21, 1942, in accordance with the provisions of Order No. 2 under Maximum Price Regulation No. 163, shall be adjusted in accordance with the terms of such contracts, except that such selling prices may not exceed $3.35 per yard.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10348; Filed, October 14, 1942; 4:24 p. m.]

[Order 4 Under Revised Price Schedule 28—Ethyl Alcohol—Docket 3028-9]

CHARTRES ALCOHOL COMPANY, INC.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) Notwithstanding anything to the contrary contained in Revised Price Schedule No. 28 or in the General Maximum Price Regulation, Chartres Alcohol Company, Inc., New Orleans, Louisiana, may sell and deliver ethyl alcohol of 188 proof or higher, of any formulae thereof, including pure ethyl alcohol, produced from molasses, to the Defense Supplies Corporation, Washington, D. C., a corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, and the Defense Supplies Corporation may buy such ethyl alcohol, at prices not in excess of those set forth below:

$.53 per wine gallon, f. o. b. plant.

(b) All prayers of the applicant not granted herein are denied.

(c) This Order No. 4 under Revised Price Schedule No. 28 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 under Revised Price Schedule No. 28 shall become effective October 15, 1942, and shall operate retroactively from October 1, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10346; Filed, October 14, 1942; 4:23 p. m.]

[Order 4 Under Maximum Price Regulation 163—Woolen and Worsted Civilian Apparel Fabrics—Docket 3163-7]

WILLIAM WHITMAN COMPANY, INCORPORATED

ORDER GRANTING ADJUSTMENT OF PRICES

For the reasons set forth in the opinion, which has been issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, and, in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) (1) The maximum price for sales and deliveries by the William Whitman Company, Incorporated of its Quality 3226 fabric, a 9½-10 ounce Tropical Worsted, shall be $2.075 per yard.

(2) For the purposes of the provisions of Maximum Price Regulation No. 163, the maximum price for the Quality 3226 fabric, of the William Whitman Company, Incorporated permitted by this Order No. 4 shall be deemed to have been determined in accordance with paragraph (a) of § 1410.102 of such regulation.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 4 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10347; Filed, October 14, 1942; 4:23 p. m.]

[Order 4 Under Maximum Price Regulation 204—Idle or Frozen Materials Sold Under Priorities Regulation 13]

METALS RESERVE COMPANY

MAXIMUM PRICES FOR TIN OXIDE AND TIN ANODES

An opinion setting forth the grounds upon which this order is based has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250 and § 1499.506 of Maximum Price Regulation No. 204 and in accordance with Procedural Regulation No. 1, *It is hereby ordered,* That:

(a) *Maximum prices for tin oxide and tin anodes sold or delivered to the Metals Reserve Company or any agent thereof.* (1) The maximum prices for tin oxide and tin anodes sold or delivered to the Metals Reserve Company or any agent thereof pursuant to programs for the acquisition thereof announced by the War Production Board on September 29, 1942, shall be the following:

Form of material and type of seller	*Price in cents per pound dry weight of tin content, properly packed in wood containers f. o. b. cars or trucks or, if by water, f. a. s. barge or vessel at the shipping point (cents)*
Virgin tin oxide sold by consumers thereof	66.00
Reclaimed tin oxide sold by consumers thereof	63.00
Virgin or reclaimed tin oxide sold by producers thereof	55.75
Unused tin anodes sold by a consumer thereof	60.00
Partially used tin anodes sold by a consumer thereof	56.00
Unused or partially used tin anodes sold by a consumer who has cast the anodes	54.00

(b) As used in this Order No. 4:

(1) "Tin oxide" means tin which has been oxidized into a dry powder containing not less than 99% tin oxide and not less than 77% tin.

(2) "Virgin tin oxide" means tin oxide manufactured exclusively from virgin tin and sold, packed and shipped as virgin tin oxide.

(3) "Reclaimed tin oxide" means tin oxide manufactured wholly or in part from reclaimed tin and sold, packed and shipped as reclaimed tin oxide.

(4) "Tin anodes" means anodes which contain not less than 99.5% tin.

(5) "Unused tin anodes" means tin anodes which have not been placed in use.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 4 shall become effective October 15, 1942.

Issued this 14th day of October 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-10349; Filed, October 14, 1942; 4:22 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-288]

CLIFFS CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia; Pa. on the 13th day of October, A. D., 1942.

An application having been filed by Cliffs Corporation, a registered investment company, under and pursuant to the provisions of section 6 (c) for a temporary exemption until the next annual meeting of stockholders in April 1943 from the provisions of section 32 (a) of the Investment Company Act of 1940 with respect to the employment of independent public accountants.

It is ordered, That a hearing on the aforesaid application be held on October 26, 1942, at 10 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Stations, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant, and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10342; Filed, October 14, 1942; 2:12 p. m.]

[File No. 812-291]

TRUST ENDOWMENT SHARES SERIES "A"

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of October, A. D., 1942.

Corporate Equities, Inc. having filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting Trust Endowment Shares, Series "A", a registered unit investment company, from the provisions of section 26 (a) (3) of said Act relating to a resigning trustee or custodian and section 26 (a) (4) (B) of said Act relating to notice to security holders of a substitution of securities, until December 21, 1942;

It is ordered, That a hearing upon such application under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 be held on October 20, 1942, at ten o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania;

It is further ordered, That Robert P. Reeder, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on said application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above-named applicant and to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10343; Filed, October 14, 1942; 2:12 p. m.]

[File No. 70-612]

SOUTHERN NATURAL GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of October, 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southern Natural Gas Company; and

Notice is further given that any interested person may, not later than October 27, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southern Natural Gas Company, a registered holding company and a subsidiary of Federal Water and Gas Corporation which is also a registered holding company, proposes to acquire from H. L. Hunt of Dallas, Texas, gas and oil leases covering approximately 10,000 acres of land located in Bienville Parish, Louisiana, and certain wells, gathering lines, distillate tanks, and other facilities appurtenant thereto. The leases will be acquired subject to (a) an overriding royalty in favor of Hunt Oil Company of one-eighth of all oil and of certain hydrocarbons which may be produced therefrom, and (b) a gas sales contract expiring June 2, 1944, providing for the sale of gas produced from such leases to Arkansas Louisiana Gas Company. For all the assets to be acquired, Southern Natural Gas Company will pay Hunt, in cash, $1,700,000 plus certain contingent and assumed payments, the aggregate amount of which is estimated at $93,800.

The application recites that sections 9 and 10 of the Act are applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10362; Filed, October 15, 1942; 9:26 a. m.]

[File No. 70-337]

NATIONAL POWER & LIGHT COMPANY

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pennsylvania, on the 12th day of October, A. D. 1942.

Appearances: Jesse J. Holland, for the Public Utilities Division of the Commission; Simpson, Thacher & Bartlett by Ira A. Hawkins, Jr., for National Power & Light Company.

National Power & Light Company[1] has made application for permission to extend the time within which shares of its preferred stock may be exchanged for shares of common stock of Houston Lighting & Power Company under the terms of an exchange offer approved by us on December 24, 1941.[2] The present terminal date is October 13, 1942, and authority is requested to extend the date to and including December 15, 1942.

The exchange offer has now been operative approximately 8½ months. During this period a total of 105,578 shares of National preferred have been tendered for exchange, or 37.7% of the original amount thereof outstanding. National has divested itself of 189,672 shares of Houston's common stock, so that it now holds 310,328 shares thereof as compared with 500,000 shares owned by it on January 30, 1942.

The application for the extension alleges, and P. B. Sawyer, President of National, has testified, that although National was authorized to proceed with the "Dealer-Manager" program on June 15, 1942, a week elapsed before the registration of Houston's common stock under the Securities Act of 1933, as amended, could be completed; in consequence, the program did not actually become operative until June 22, 1942. Furthermore, it is asserted that the Dealer Managers required considerable time thereafter to complete their organization of a group of registered security dealers throughout the country to participate in the program as members of the dealer group. National also stresses the fact that at least two months of the period which was available to the Dealer Managers were summer months, a time when "it is difficult to consummate security transactions due to the absence of many people on vacation." Finally, it is urged that the uncertainty regarding pending Federal Tax legislation has had a tendency to delay numerous holders of National's preferred stock in making the exchange, and that if the offer is extended until a reasonable time after the enactment of definitive tax legislation, there is reason to believe that substantial amounts of National's preferred stock may be tendered for exchange.

Conclusions: As we have indicated previously, approximately 8½ months have elapsed since the exchange offer became effective. We think that sufficient time has passed to permit of a thorough canvass of National's preferred stockholders, and that no useful purpose can be served by prolonging the period indefinitely. However, in light of the testimony as to special retarding factors which existed during the past two months, we think that the requested extension to December 15 may be granted.

In reaching this conclusion we have also considered the possible effect of an extension upon the carrying forward of a dissolution program for National Power & Light Company pursuant to our order of August 23, 1941.[3] On this point it was testified that the Houston exchange program will not occupy any substantial portion of the time of National's officers, and there appears to be no other reason why the dissolution program should be retarded by reason of the exchange offer.

As indicated, there is substantial doubt as to the necessity or desirability of any extension of the exchange offer beyond the date of December 15 now proposed. However, if National should determine in the future to apply for further extension beyond such date, we think that the interest of investors requires that such application be filed not later than November 23, 1942. On the other hand, if no extension is to be applied for, notice of the termination of the offer shall be mailed to all preferred stockholders of National not later than November 23, 1942.

It is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10363; Filed, October 15, 1942; 9:26 a. m.]

[1] A registered holding company under the Public Utility Holding Company Act of 1935 and a subsidiary of Electric Bond and Share Company, also a registered holding company under the Act.

[2] Holding Company Act Release No. 3211. In brief, under the terms of the exchange offer each holder of National's preferred stock may exchange all or any part thereof, in full share amounts to the extent of 90% of the portion of such stock presented for exchange, for common stock of Houston on the basis of two shares of Houston's common stock for each share of National's preferred stock. The remaining 10% of National's preferred stock tendered for exchange will be stamped as ineligible for participation in the exchange offer and returned to the holder thereof. The exchange offer became effective on January 30, 1942, for the 60 day period ending March 31, 1942, which date was subsequently extended by National for an additional period of 60 days ending on June 1, 1942. During the 120 day period mentioned, authority to solicit exchanges was limited by the terms of our order to regular officers and employees of National.

Early in May 1942, National filed an amendment to its declaration in this proceeding setting forth a program designed to facilitate exchanges under the offer. The program contemplated that National would retain Smith, Barney & Co., Lazard Freres & Co., and Blyth & Co., Inc., ("Dealer Managers") to develop and handle the details of a plan to facilitate exchanges. On June 15, 1942, we permitted said amendment to become effective, and also granted National authority to extend the period of the exchange offer for not more than 60 days from June 15, 1942. (Holding Company Act Release No. 3612.) Subsequently, on August 13, 1942, upon application by National, we permitted a further extension for an additional period of 60 days ending on October 13, 1942. (Holding Company Act Release No. 3734.)

[3] Holding Company Act Release No. 2962.

[File No. 1-2888]

JOSLYN MFG. AND SUPPLY CO.

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of October, A. D. 1942

The Joslyn Mfg. and Supply Co., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $5 Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Wednesday, November 18, 1942, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10365; Filed, October 15, 1942; 9:27 a. m.]

[File No. 70-615]

KENTUCKY UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 14th day of October, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than October 30, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated

pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Kentucky Utilities Company proposes to reduce the interest rate on $3,437,500 principal amount of unsecured serial notes due May 1, 1943, to May 1, 1946 from 3⅝% per annum to 3¼% per annum. Such serial notes are held by The Chase National Bank of the City of New York, Harris Trust and Savings Bank, American National Bank and Trust Company, The Citizens Union National Bank, Fidelity & Columbia Trust Company, Liberty National Bank & Trust Company, Lincoln Bank & Trust Company, First National Bank of Louisville, The Louisville Trust Company, First National Bank & Trust Co. and Fifth Third Union Trust Co.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-10364; Filed, October 15, 1942; 9:27 a. m.]